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Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
New York, 22 to 26 May 2006

Note verbale dated 31 March 2006 from the Permanent Mission of Namibia to the United Nations addressed to the Secretariat

The Permanent Mission of the Republic of Namibia to the United Nations presents its compliments to the United Nations Secretariat and has the honour, with reference to the announcement of the Director of the Division for Ocean Affairs and the Law of the Sea at the fifth round of informal consultations of States parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, to submit Namibia's report on the implementation of the Agreement (see annex). The Permanent Mission would appreciate the circulation of the present letter and its annex as a document of the Review Conference.

06-29592 (E) 180406

Annex to the note verbale dated 31 March 2006 from the Permanent Mission of Namibia to the United Nations addressed to the Secretariat

Namibia's progress in the implementation of the UN Fish Stocks Agreement[1]

INTRODUCTION

Namibia signed the UN Fish Stocks Agreement (FSA) on 19 April 1996 and ratified the FSA on 8 April 1998. This report provides a narrative on the progress made by Namibia to date in regard to the implementation of the FSA. Information is provided only for substantive articles under the FSA.

PART II: CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Management and development of fisheries in Namibia is the responsibility of the Ministry of Fisheries and Marine Resources (MFMR). MFMR's Mission Statement is: *"To strengthen Namibia's position as a leading fishing nation and to contribute towards the achievement of our economic, social and conservation goals for the benefit of all Namibians"*. Since independence in 1990, policy for the sector has been, and continues to be, driven by the following key document: Towards Responsible Development of the Fisheries Sector (1991, revised 2004).

The document acknowledges that policy statements and legislation alone cannot achieve aims of the FSA. Namibia has therefore ensured that, since Independence, adequate human, financial and material resources have been made available by MFMR for operations that support the UNFSA.

FISHERIES LEGISLATION

The Articles set forth in Part II of FSA are enshrined in the two primary legal instruments governing marine fisheries in Namibia:

- Territorial Sea and Exclusive Economic Zone of Namibia Act (No. 3 of 1990);
- Marine Resource Act (No. 27 of 2000).

At Independence, the Government proclaimed a 200 nm zone (EEZ) in accordance with the provisions of the United Nations Convention on the Law of the Sea of 1982.

The Marine Resources Act (2000) and Regulations Relating to the Exploitation of Marine Resources (2001, as amended) provide the basic legal framework for management and regulation of the marine fisheries sector. This Act was developed in the late nineties, following Namibia's accession to various international fisheries conventions, agreements and arrangements, which prompted a revision of the Sea Fisheries Act (1992). The Act sets forth the details of a rights-based management system, the main elements of which are outlined below.

[1] Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

FISHING RIGHTS

Fishing rights, or rights of harvest, are the central element of the fisheries management regime. The Marine Resources Act states "No person shall ... harvest any marine resource for commercial purposes, except under a right ..." The main purpose of fishing rights is to limit entry to the fisheries sector in order to protect the fisheries resources and maintain sustainable operations. Fishing rights are granted for a period of 7, 10, 15 or 20 years depending on various factors, in particular the level of investment and the level of Namibian ownership and employment. Fishing rights are not freely transferable in Namibia, so as not to undermine the Government's goals of Namibianisation and empowerment within the sector.

FISHING LICENSES

All vessels are required to obtain a license in order to fish commercially within Namibia's 200-mile exclusive economic zone (EEZ). Namibia executes its flag-state responsibility by requiring all vessels that fly the Namibian flag to also have a specific license to harvest any marine resources in waters outside of the Namibian EEZ.

TOTAL ALLOWABLE CATCHES

Total allowable catches (TACs) are set annually for seven species: pilchard, hake, horse mackerel, red crab and rock lobster, orange roughy and monk. TACs are established on the basis of the best scientific evidence available of the size and structure of stocks as determined by the fisheries scientists employed by the Ministry. TACs aim to ensure sustainable fishing operations; that the level of fishing effort does not undermine the status of each stock.

INDIVIDUAL (NON-TRANSFERABLE) QUOTAS

Once a TAC has been set for a fishing season, it is distributed among the right holders in each fishery in the form of quotas. The main purpose with the quota allocation is to promote economic efficiency – to give companies sufficient knowledge about expected catch levels for the year for proper planning of their fishing activities. Quotas are not permanently transferable for the same reasons that rights are not transferable.

Marine catches are landed mainly at two major ports: Walvis Bay (90% of total) and Lüderitz (10% of total). The very small size of the marine artisanal fisheries sector makes monitoring of catches relatively easy.

FEES

Fees form an important part of Namibian fisheries management. Their role is twofold: firstly, to earn revenue for the government, and secondly to create incentives that work towards the goals of the management system, both conservation and Namibianisation. The most important are quota fees, which are payable on allocated quota.

By-catch fees that are applied in order to deter right holders from targeting species other than those for which they have been issued a quota. This is unique feature of the Namibia management system that is not seen in many other countries. Such fees provide an incentive to avoid catching non-target species. The levels of by-catch fees are carefully balanced to discourage the capture of non-target species, but are also not so punitive as to encourage dumping. A certain percentage of by-catch in the hake-directed fishery is not levied, since a reasonable amount of by-catch can not be avoided.

A Marine Resources Fund levy is imposed per tonne of landed catch to finance fisheries research and training initiatives. License fees are applied to fishing vessels in order to legally fish within Namibia's waters. Each year between 300 and 350 vessels are licensed by MFMR.

GIVING EFFECT TO INTERNATIONAL FISHERIES AGREEMENTS

The President of Namibia may enter into a fisheries agreement with a member country of the Southern African Development Community (SADC), providing for such country to harvest marine resources in Namibian waters. Such agreements may be published in the gazette. For any fisheries or international agreements entered into by Namibia, the Minister is empowered to make regulations necessary to give effect to such agreements. Texts of all conservation and management measures adopted under any fisheries or international agreement to which Namibia is a party may be published in the national Gazette.

MANAGEMENT AND CONSERVATION MEASURES

The Minister of Fisheries and Marine Resources can determine necessary management and conservation measures, including TACs, effort limitations, fishing-gear specifications, protection of juvenile fish through measures such as minimum allowable mesh size, grid selectivity device, minimum fish sizes to be landed, restrictions on by-catch, temporal and spatial closures and measures for shared/straddling stocks.

MONITORING, CONTROL AND SURVEILLANCE

Namibia's MCS system has evolved over the years into what is today widely regarded by the international community as a very effective system. A crucial element has been the financial, human and material support from the Namibian government. The costs to Government and industry of MCS and other management activities has been kept commensurate with the value of the sector. An integrated program of inspection and patrols at sea, on land and in the air ensures continuing compliance with Namibia's fisheries laws. The major features of the program are described below.

Fisheries Observer Programme

Emplacement of fisheries observers on board larger vessels serves both to ensure compliance and the collection of scientific data. Coverage rates range from 70-100%, depending on the fishery in question. The establishment of the new Fisheries Observer Agency under the Marine Resources Act will improve current capacities in this regard.

Compliance and Enforcement

The Act specifies the powers of enforcement officers in regard to stopping and boarding vessels, search and inspection, hot pursuit, seizure, and arrest. It provides for the establishment and functions of a Fisheries Observer Agency, which is charged with the collection of scientific operational data onboard fishing vessels, and observation and reporting on the fishing activities thereof.

Sea, air and shore patrols

Systematic sea patrols aim to ensure compliance with fishing conditions by licensed vessels through regular at-sea inspections. Air patrols detect and deter unlicensed fishing vessels and monitor the movement

and operations of the licensed fleet. Shore patrols ensure compliance by both recreational and commercial fishers with conservation measures for inshore resources.

Monitoring of landings

Complete monitoring of all landings at the two commercial fishing ports, Walvis Bay and Lüderitz, by onshore inspectors ensure compliance with quota limits and fee payments. Transhipping fish at sea between catching vessels and carrier vessels is prohibited – all fish must be landed at a Namibian port. This is another unique feature of the management system, and one that ensures comprehensive monitoring of catches.

Vessel reporting

All vessels are required to supply EEZ exit and entry reports, as well as daily catch and effort reports via radio and in the form of vessel log-sheets.

Vessel monitoring system

Namibia is well advanced in implementing a national satellite-based vessel monitoring system (VMS). Once fully operational the system will benefit fisheries management in real-time monitoring of vessel movement and activities. The system that has been chosen is already in use in the United Kingdom, Germany, United States, Morocco, and, closer to home, South Africa and Mozambique. Namibia is fully supportive of collaborating in the development of a cost-effective, regional VMS.

OFFENCES AND PENALTIES

Section 52 of the Marine Resources Act provides for offences and penalties for violations of the Act. Unauthorised fishing or contravention of licence conditions by Namibian or foreign flag vessels attract a fine of up to N$2 million. Assaulting or hindering any officer authorised under Namibian law or and international agreement to which Namibia is a party can face a fine of up to N$1 million. Other sections of Part IX of the Act provide for forfeiture, jurisdiction and admissible evidence.

RESEARCH

MFMR's Directorate for Resource Management undertakes a range of marine research activities. Main activities include stock survey and assessments to determine TACs, gear development (e.g. selectivity devices), oceanography, environmental research and the impact of the environment on stocks. Collaboration with regional and international partners such as BCLME and BENEFIT is a particular feature, as described later.

APPLICATION OF THE PRECAUTIONARY APPROACH

Namibia has applied sufficient resources to the development of adequate data collection and scientific research in support of the conservation and management measure decision-making process. In instances where data availability is inadequate, MFMR applies the precautionary approach in setting, for example, TACs and other management reference points. Namibia is committed to developing Fisheries Management Plans for the TAC-controlled fisheries, which will incorporate the Ecosystem Approach to Fisheries. A Management Plan for the hake fishery is advanced in its preparation.

STATE CONTROL OVER NATIONALS

Fishing vessels are required under section 40 of the Marine Resources Act to obtain specific licences to fish either in Namibia waters or on the high seas. Such licences require that vessels operated by Namibian right holders detail: the area where fishing may take place, allowable gear specifications and other license conditions, such as mandatory reporting requirements and the placement of on-board fisheries observers. Namibia will apply that measures to ensure that nationals operating outside Namibian waters do not support or engage in illegal, unreported and unregulated (IUU) fishing, including: (a) provision of reports from vessels operated by Namibian nationals that are consistent with any requirements prescribed by RFMOs to which Namibia is a member and Namibia's obligations under the FSA; (b) comply with boarding, inspection and observer requirements on the high seas; and (c) prohibit the use of vessels from engaging in high seas IUU fishing or undermining conservation and management measures of designated[2] RFMOs or arrangements.

Namibia will consider whether additional measures are required to ensure that Namibian nationals fully comply with the fisheries laws of other States, or the conservation and management measures adopted by designated RFMOs.

Namibia will examine existing national legislation and determine whether additional measures are required so as to make it unlawful for any person subject to Namibian jurisdiction to import, export, transport, sell, receive, acquire, possess or purchase any fish taken, possessed or sold in violation of any foreign law, treaty or regulation.

Regulations have recently been drafted that allow Namibian right holders to obtain licences for chartered foreign vessels to catch Namibia's share of marine resources regulated by ICCAT on high seas, under section 37 of the Act (giving effect to fisheries and international agreements).

Namibia maintains strong opposition to flag-of-convenience vessels and discourages the use of such vessels. Legal provisions will be considered to prohibit Namibia nationals from flagging fishing vessels under the jurisdiction of States that do not meet flag State responsibilities in regard to fishing on the high seas.

Namibia already maintains a register of the operators or beneficial owners of vessels flying its flag, including their nationality. In this way Namibia can identify its nationals should a vessel be involved in IUU fishing, for example. Namibia will encourage other coastal States and RFMOs to maintain similar information, and encourage cooperation and information exchanges for purposes of controlling nationals who may be involved in IUU fishing.

Namibia maintains a database of all Namibia flag vessels that have obtained authorisation to fish on the high seas, consistent with standards of RFMOs to which Namibia is a member. This information is maintained and shared with relevant RFMOs and other coastal States as requested.

Namibia will develop measures to discourage its nationals from flagging fishing vessels under the jurisdiction of a State that does not meet its flag State responsibilities, including a review of the benefits they may receive from Namibia (such as landing rights) with a view to withholding such benefits.

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[2] Designation by Notice in the Namibian *Gazette*, as called for under section 37 of the Act, provides the necessary certainty as to the high seas conservation and management measures that are applicable to Namibian nationals.

PART III: MECHANISMS FOR INTERNATIONAL COOPERATION CONCERNING STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

INTERNATIONAL AND REGIONAL LAW AND RELATIONS

Namibia has signed and in some cases ratified a number of international and regional instruments. These are detailed in Table 1 below.

Table 1: Major Fisheries-related Organisations and Instruments to which Namibia is a party

Instrument	Ratification/ Acceptance
1982 United Nations Law of the Sea Convention (LOSC)	18 April 1983 (Ratification)
Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (Fish Stocks Agreement, 1995)	19 April 1996 (signature); 8 April 1998 (Ratification)
Implementation Agreement Of Part XI Of UNCLOS	28 July 1995 (Simplified procedure)
Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993 FAO Compliance Agreement)	7 August 1998 (Acceptance)
International Convention for the Conservation of Atlantic Tunas (ICCAT)	28 April 1999 (signature); 10 November 1999 (Ratification)
Convention for the Conservation of Antarctic Marine Living resources (CCAMLR)	5 February 2001 (Ratification)
South-east Atlantic Fisheries Commission (SEAFO)	20 April 2001 (signature); 26 February 2002 (Ratification)
INFOPECHE	30 December 1996 (Accession)
Convention on the International Maritime Organisation (IMO Convention)	Ratification in preparation?
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	18th Dec 1990 (Ratification)

MEMBERSHIP IN REGIONAL FISHERY BODIES

MFMR cooperates with following regional and international fisheries organisations:

- **Southern African Development Community (SADC).** The SADC Protocol on Fisheries aims to promote responsible and sustainable use of the living aquatic resources and aquatic ecosystems within the SADC region.
- **INFOPECHE**: In 2001 Namibia signed a cooperation agreement with this International Fisheries Marketing Advisory Body to establish an INFOPECHE Unit in Namibia's capital, Windhoek. This Unit provides information and technical assistance in fish trade, marketing, processing and new innovations to INFOPECHE member states.
- **South East Atlantic Fisheries Organisation (SEAFO):** establishes a management regime for conservation and sustainable utilisation of fish, molluscs, crustaceans and other sedentary species in the high seas portion of FAO Statistical Area 47, but excluding those sedentary species that are subject to the fishery jurisdiction of coastal States and also tuna and tuna-like

species because these fall under the jurisdiction of ICCAT. Namibia is host to the SEAFO Secretariat.

- **International Commission For The Conservation Of Atlantic Tunas (ICCAT):** The rapid development of a thriving domestic tuna fishery provided the impetus for Namibia to join ICCAT in 1999, becoming the 28th member of the Commission. Namibia welcomes and supports the considerable effort that ICCAT is making in developing comprehensive management tools to deal with, *inter alia*, IUU fishing in the Atlantic Ocean.

- **Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR):** As a member of CCAMLR, Namibia is committed to the management and conservation of the marine resources of the Antarctic. The Namibian fishing industry is interested in fishing in CCAMLR's waters and is ready to participate responsibly in the harvesting of fishery resources, especially tooth fish.

- **Inter-governmental Oceanographic Commission (IOC):** Namibia became the 129th member of the IOC became on 25 April 2001. The IOC is an important facilitator of international oceanographic research programmes and Namibia is involved in its various training, technical assistance and research activities.

PARTICIPATION IN REGIONAL PROGRAMMES

- **SADC Regional Fisheries MCS Programme:** Namibia is a partner in this Programme, which operates under the SADC Protocol on Fisheries. The objectives of the programme address the marine fisheries resources of the Region. Capacity building and regional cooperation for MCS are prominent objectives. Expected results of the RDC MCS Programme include:

  - National fisheries MCS systems functioning;
  - Establishment of a basis for the management of shared stocks and international fishing activities
  - Harmonized approaches tc the control of international fishing activities
  - Marine environment more protected
  - Enhanced regional cooperation and communication

- **Benguela Environment Fisheries Interaction and Training Programme (BENEFIT):** has established a research framework for biological and oceanographic investigation of the entire Benguela Current system. The principal focus of the programme is on resources and resource management research in support of the major fisheries of the three co-operating countries: Namibia, South Africa and Angola. Training of researchers is an important part of the programme as the lack of qualified personnel is a pressing problem in these countries.

- **Benguela Large Marine Ecosystem Programme (BCLME):** Launched in 2002, BCLME is of global significance, given the stance by the United Nations Conference on Environment and Development (UNCED) to develop an ecosystem-wide approach to environmental research. The programme aims to examine marine environmental variability throughout the Benguela current system and how environmental factors impact on fish stocks and their dependent fisheries.

COOPERATION BETWEEN STATES

Namibia will continue to coordinate and cooperate measures and activities described within the FSA with other States and appropriate RFMOs and regional programmes, particularly in regard to:

- Exchange and verification of data and other information on fishing and support vessels and their activities in the Region, including vessels that are refused registration or fishing licences, or are de-registered or have their licences removed;
- Investigations of vessels, persons or organisations suspected of being directly or indirectly linked to fishing in contravention to the FSA;
- Transfer of expertise, technology and sharing of MCS assets;
- Harmonisation of policy and legal measures for combating IUU activities;
- Accelerated implementation and maintenance of VMS, consistent with international best practice and operational standards;
- Mechanisms that allow a rapid, coordinated regional response to instances of fishing in contravention of the FSA;
- Boarding and inspection on the high seas, to the extent possible, consistent with international law, recognizing the rights and obligations of masters and of inspection officers; and
- Harmonisation of national fisheries observer programmes within the SADC Region, including cover for Namibian vessels or foreign vessels chartered to Namibian right holders on the high seas.

The provisions of the SADC Regional Protocol on Fisheries shall be utilised to the extent possible in facilitation of the above cooperation between SADC States. Technical assistance will be sought from regional bodies and ongoing programmes as appropriate.

PART V: DUTIES OF THE FLAG STATE

MEASURES TO IMPROVE REGISTRATION SYSTEM FOR FISHING VESSELS

Licensing and control measures provided for in this Part of FSA have already been described above.

Keeping the vessel register current

Namibian law currently requires registration of all fishing vessels. The register is however maintained by the Directorate of Maritime Affairs, Ministry of Works Transport and Communications (MWTC). The register is well maintained and kept fully up to date in regard to details concerning vessel specifications and ownership. Measures will be taken to ensure effective communication between MFMR Ministry and MWTC so that both parties are kept abreast of, for example, IUU vessel lists maintained by, for example, RFMOs and FAO, thus ensuring that no vessel with an IUU history is able to gain Namibian registration.

Control of registered vessels

Namibia will continue to take measures to ensure its ability to control vessels before granting registration. This will include the following:

Sufficient registration information

As a priority, the information required for vessel registration is reviewed to ensure it reflects the standards of transparency being developed at regional and international levels. In particular, the ICCAT rules to prevent vessels involved in chartering arrangements from being used for IUU fishing is reviewed and implemented.

Measures to deny registration

Measures to allow registration to be denied to a fishing vessel that has been convicted of offences, IUU fishing etc or, if registered, that will allow the vessel to be deregistered upon conviction or require deregistration if a vessel carries more than one registration are in place.

Coordination of government activities

The Ministry will strengthen its relationship with the Ships' Registry Office, through regular liaison and coordination, with a view to establishing information requirements and procedures so as to prevent and deter illegal fishing, including deregistration requirements for vessels convicted of fishing offences.

It is the current policy of the Namibian Government to allow foreign investors to form business ventures with Namibian right holders, rather than entering into access agreements allowing foreign vessels to fish in Namibian waters. Namibia will continue to take measures take measures to ascertain whether any potential partner has been involved in illegal fishing, and if so will disqualify that partner from any investment opportunity or other role in the Namibian fishing sector.

Review of chartering arrangements

Although measures are already in place to ensure effective flag state control over vessels that fly the Namibian flag, measures will also be taken to ensure that Namibia can maintain control, in areas beyond national jurisdiction, of foreign vessels fishing under joint ventures or chartering arrangements. Such measures will require transparent chartering arrangements to ensure clear, current and accurate information is provided, and legal provisions will be considered:

- Requiring that the chartered vessels take on the nationality of Namibia – that is, be registered in Namibia and fly its flag – after a certain period of time, during which the viability of the fishery should have been proven; or

- Requiring the charter arrangement to make both Namibia and the flag State responsible for controlling the high seas fishing conducted pursuant to a charter arrangement.

The charter arrangement could, for example, provide express authority for both States to board and inspect the vessel on the high seas and require reporting of catch data to both States. Section 52 of the Act states "any person, being the owner, the lessee, the charterer or the master …" of a vessel can be held liable for

most offences. This means that the charterer may be prosecuted if fishing takes place in contravention of the FSA.

COMPREHENSIVE RECORD OF FISHING VESSELS

Data for registration of high seas fishing vessels

The following data is required for the registration of fishing vessels authorised to fish on the high seas and in Namibia's EEZ:

- Name of fishing vessel, registration number, previous names (if known) and port of registry;
- Previous flag (if any);
- International Radio Call Sign (if any);
- Name and address of owner or owners;
- Where and when built;
- Type of vessel;
- Length;
- Name and address of operator (manager) or operators (managers) (if any);
- Type of fishing method or methods;
- Moulded depth;
- Beam;
- Gross registered tonnage;
- Power of main engine or engines;
- Past harvesting activities on the High Seas;
- High Seas areas where harvesting will take place.

AUTHORIZATION TO FISH

The Marine Resources Act requires fishing vessels to have a licence to fish prior to engaging in fishing activities, and this will continue to be enforced. Namibia will cooperate through regional organizations and programmes to develop arrangements to share fishing vessel licensing information.

MEASURES TO CONTROL TRANSPORT AND SUPPORT VESSELS

The Act prohibits transhipment at sea, and this law will continue to be enforced. Namibia will adhere to ICCAT's rules that at-sea transhipments take place only between ICCAT members or between ICCAT members and cooperating non-party States.

Notification requirements for landings and inspection for marine fisheries are already sufficient to ensure the detection of illegal practices. The legal authority to prohibit landings and in-port transhipments in a timely and effective manner is already in place, and does not warrant review.

Resolutions and recommendations determined by ICCAT and CCAMLR and other RFMOs to which Namibia is a party continue to be reviewed, and assessments made on how best to improve their implementation and enforcement.

IMPROVEMENT OF PORT STATE MEASURES TO COMBAT IUU FISHING

Advance notification for port access

Namibia will continue to ensure compliance with regulations requiring both national and foreign fishing vessels to provide advance notification in seeking access to either Walvis Bay or Lüderitz ports. For reasons of *force majeure* or distress or for rendering assistance to persons, ships or aircraft in danger or distress vessel, vessels will automatically be provided port access, in accordance with international law.

Inspection of foreign vessels in port

MFMR's Inspectorate staff will continue to ensure that all foreign fishing vessels entering Namibian ports are thoroughly inspected to ensure that they have not contravened national laws and regulations of Namibia or other states, or conservation and management measures developed by RFMOs of which Namibia is a member. Data and information to be collected during routine inspections include: (a) the vessel's flag State and identification details; (b) name, nationality, and qualifications of the master and senior officers; (c) fishing gear on board; (d) catch on board, including origin, species, form, and quantity; (e) where appropriate, other information required by relevant regional fisheries management organizations or other international agreements such as valid fishing licence, presence of fully functional and approved vessel monitoring system communicator ; and (f) total landed and trans-shipped catch.

Evidence indicating IUU fishing

Where evidence is found indicating that a foreign vessel in port has engaged in or supported fishing in contravention of the FSA, measures are taken to prohibit landing or transhipment of catch in Namibia ports. Any such action taken is promptly reported to the flag State of the vessel, as well as RFMOs and other States, as appropriate.

Procedures for port State control of vessels

Namibia will continue to ensure that Fisheries Inspectors are properly trained in ensuring compliance with catch documentation schemes developed by RFMOs such as ICCAT and CCAMLR.

Namibia will establish a national strategy and procedures for port State control of vessels involved in fishing and related activities, including training, technical support, qualification requirements and general operating guidelines for Fisheries Inspectorate staff. Support and assistance from RFMOs and regional programmes may be sought in developing capacity and for implementation of this strategy.

COOPERATION WITH PORT STATES TO COMBAT IUU FISHING

Namibia will continue to cooperate with other States, both regionally and internationally, to agree on measures and procedures for effective port State control of fishing vessels.

IMPLEMENTATION OF PORT STATE MEASURES ADOPTED BY RFMOS

Legislative authority to deter fishing that undermines conservation and management measures under FSA or adopted or recommended by any RFMO to which Namibia is party is provided for under Section 37 of the Act. For the purpose of any fisheries agreements entered into, or any international agreements to which Namibia is a party, the Minister may make such regulations necessary or expedient for giving effect to the provisions of such agreements. The port State measures adopted by relevant RFMOs to which Namibia is a member is reviewed and regulations proposed, as required. In particular, provisions are being considered that would prohibit any person from landing, importing, exporting, selling, buying etc. any fish taken contrary to international conservation and management measures adopted a RFMO to which Namibia is party. Sanctions should be severe, including high fines, and forfeiture as applicable.

In addition, cooperation with the catch certification schemes developed by ICCAT and CCAMLR is being intensified to facilitate detection and the fisheries legislation is undergoing review to ensure the appropriate inspection and reporting requirements are sufficient, and the sanctions provide an adequate deterrent.

PART VI: COMPLIANCE AND ENFORCEMENT

IMPLEMENTATION OF RELEVANT INTERNATIONAL INSTRUMENTS

Section 37 of the Marine Resources Act (Giving effect to fisheries and international agreements) states that the Minister may, for the purpose of any fisheries agreement entered into or any international agreement to which Namibia is a party, make such regulations as the Minister may consider necessary or expedient for the carrying out and for giving effect to the provisions of any such agreement or any amendment of such agreement. The Minister shall publish in the *Gazette* the texts of all conservation and management measures[3] adopted under any international agreement to which Namibia is a party and any measure so published shall be deemed to be a regulation prescribed under section 61 of the Act.

Namibia will ensure that the texts of all fisheries and international agreements have been duly published, and will continue to adhere to its obligations to all international instruments to which it is a party (refer table 1 above).

[3] "conservation and management measures" means measures to conserve and manage one or more species of living marine resources that are adopted and applied consistent with the relevant rules of international law as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982, and the Implementation Agreement (i.e. the Agreement for the Implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks).

Namibia's policies and legal framework incorporate many of the principles and objectives of the FSA as well as the 1993 FAO Compliance Agreement and the 1995 FAO Code of Conduct for Responsible Fisheries.

NATIONAL LAWS, REGULATIONS AND PRACTICES RELATING TO IUU FISHING:

Existing fisheries legislation

Namibia completed a review of its legal framework for fisheries in the late nineties, culminating in the enactment of the Marine Resources Act (2000). The new Act makes provision for ensuring that Namibia fully complies with its international and regional obligations in regard to responsible fisheries management and operations of vessels flying its flag and its nationals.

As described above, the current legal regime already incorporates many of the articles of the FSA. Evidentiary standards and admissibility, including the use of electronic devices and new technologies such as vessel monitoring systems, as called for in the FSA, are already provided for in the Marine Resources Act (Part IX: Offences and Proceedings). These evidentiary provisions are innovative in terms of permitting certificate evidence and contain modern provisions relating to burden of proof for fisheries offences. They are also satisfactory for the introduction of evidence of new technologies. There is however no special reference to the admissibility of evidence taken in such situations as high seas boarding and inspection by a non-national inspecting officer. It may be appropriate to undertake such a review.

Namibia will endeavour to ensure that the Marine Resources Act and regulations are reviewed so as to consider whether to give legal status to the following areas through laws, regulations or other legally-binding instruments, or to take other measures to address these areas.

Vessels without nationality

As a member of the International Maritime Organisation, Namibia will consider what legal measures could be taken, consistent with international law, in relation to vessels without nationality[4] that are involved in IUU fishing on the high seas. Namibia will ensure communication as appropriate through any RFMO of which it is a member to notify other States of information it receives or action it takes. It will also be ready to receive information from any RFMO or other State regarding a vessel without nationality that may appear to be heading for Namibia waters, and will take appropriate measures. Namibia will also consult with other coastal states concerning actions, which could be taken bilaterally or regionally.

Namibia currently lacks capacity to take active measures in relation to vessels without nationality that fish on the high seas, but will cooperate as appropriate with member countries of appropriate RFMOs that have such legislation and capacity.

Sanctions

Sanctions are detailed in Section 52 of the Act (Offences and penalties). Any person who, being the owner, the lessee, the charterer or the master of a foreign flag vessel uses such vessel in Namibian waters for harvesting marine resources, or allows it to be so used without the authorization of a valid licence in respect thereof shall be guilty of an offence and liable on conviction to a fine not exceeding N$2 million. Any person who, being the owner, the lessee, the charterer or the master of a Namibian flag vessel, uses such vessel to

[4] I.e. vessels having no flag, or more than one flag.

harvest marine resources (i.e. both inside or outside Namibia waters), or allows it to be so used, without the authorisation of a valid licence in respect thereof shall be guilty of an offence and liable on conviction to a fine not exceeding N$2 million.

In addition, any person who assaults, obstructs, resists, hinders, threatens or intimidates a fisheries inspector, or fisheries observer, or any person authorized by any international agreement to which Namibia is a party to board or inspect a Namibian flag vessel on the high seas, in the exercise of any power or the performance of any duty under this Act; shall be guilty of an offence and liable on conviction to a fine not exceeding N$1 million.

Any person who, *inter alia*, violates any condition of a right, an exploratory right, a fisheries agreement, a quota or a licence; shall be guilty of an offence and liable on conviction to a fine not exceeding N$500,000.

Section 54 provides for forfeiture of any marine resource, fishing gear, vessel, vehicle or item in respect of which the offence was committed in addition to any other penalty imposed.

Under Section 56, Namibia courts have jurisdiction to try charges for an offence under the Act committed within Namibian waters.

It may be prudent for Namibia to undertake a review of these sanctions to assess whether they are of sufficient severity to effectively prevent, deter and eliminate illegal fishing on the high seas and deprive the offenders of the benefits accruing from such fishing. Such a review may encompass: levels of fine, the seizure, sale and forfeiture of items used in the offence, terms of imprisonment, fines and penalties specifically for IUU fishing beyond areas of national jurisdiction, and other relevant considerations. Consideration will be made to the list of serious violations given in Article 21(11) of the FSA, in order to ensure that penalties for such offences are at the appropriate level.

In addition, the level of fine for non-reporting or misreporting will be reviewed (including by reference to similar fines in the region) in order to better enforce against illegal fishing, including by use of catch certification schemes, and landing and transhipment documentation requirements.

Non-cooperating States

Namibia will continue to cooperate with all RFMOs to which it belongs to prevent, deter and eliminate the activities of non-cooperating States that engage in IUU fishing. In particular, it will implement all relevant resolutions of ICCAT, CCAMLR and SEAFO.

Monitoring, control and surveillance

The Marine Resources Act makes adequate provision for MCS in regard to Namibian flag vessels inside and outside Namibian waters, as well as foreign flag vessels fishing inside Namibian waters and, to the extent authorised by international agreements to which Namibia is a party, outside Namibian waters. Specific provisions relate to licensing, vessel records, establishment of a VMS, observers and port inspections, consultative mechanisms and public awareness, boarding and inspection regimes and MCS data collection, storage, analysis and dissemination. The Act also provides sufficient legal flexibility for regional cooperation in MCS.

The Ministry's MCS and fisheries licensing capabilities have continued to strengthen since Independence in 1990. The fisheries observer programme, devolved in May 2002 to the autonomous Fisheries Observer Agency, is effective. The Ministry maintains close working relations with the FOA. The Ministry's Fisheries Inspectors carry out port inspections of all landings made. Since Independence, Namibia has focussed strongly on reducing IUU operations through building up an effective MCS capability. The Ministry shall continue to adopt an MCS strategy that addresses IUU fishing, with the following priorities:

- Enforcement of national laws and regulations within the EEZ;
- Compliance with vessel and gear marking requirements;
- Increased observer coverage;
- Continued training and human resource capacity building, including training for within-zone and high seas boarding and inspection;
- Improved liaison with the Fisheries Observer Agency and vessel registration unit within the Ministry of Works, Transport and Communications;
- Further enhancement of the fisheries observer programme;
- Continued inspection of all landings at both ports;
- Full implementation of the national VMS, in step with amendments to the law regarding VMS and high seas fishing;
- Improved liaison with RFMOs of which Namibia is member;
- Improved communication with other organizations and networks, such as FAO and the MCS Network.

The Ministry shall continue to ensure that adequate human, material and financial resources are allotted to fisheries MCS operations as part of the annual budgetary planning exercise.

MEASURES TO COMBAT IUU FISHING IN NAMIBIAN WATERS

Namibia currently exercises its rights as a coastal State and signatory to the 1982 Law of the Sea in regard to conservation and management of the living marine resources under its jurisdiction. Current policy, legislation and management measures have been effective in reducing IUU fishing within the Namibia EEZ to a low level.

Namibia will ensure that:

- MCS and enforcement activities continue to ensure compliance with national laws and licence conditions by all vessels that are authorised to fish in Namibia's EEZ;

- No vessel fishes in Namibia waters (or outside, in the case of Namibia flag vessels) without a valid authorisation (licence);

- Only vessels that are duly recorded on a vessel register are authorised to fish;

- Transhipment occurs only in Namibia ports, as authorised by MFMR;

- No vessel with a history of IUU fishing is given an authorisation to fish, or is able to register to fly the Namibia flag.

COOPERATION WITH OTHER COASTAL STATES AND RFMOS

Namibia will continue to cooperate with its neighbouring coastal States, especially those in which Namibian vessels are fishing or those who have vessels operating under charter arrangements in Namibia waters, with a view to exchanging data and cooperating in enforcement of the provisions of the FSA. Cooperation will be carried out bilaterally and through the RFMOs of which Namibia is a member. In addition, information will be sought from ICCAT, CCAMLR, SEAFO, FAO and other sources as appropriate as to the vessels that may be fishing in Namibia's EEZ.

IMPLEMENTATION OF THE IPOA-IUU THROUGH RFMOS

Namibia will continue to work through RFMOs to implement the provisions of the FSA. Namibia supports proposals made for relevant activities, and implements any decisions taken to the fullest extent possible. In order to participate in RFMOs and to actively implement their resolutions and processes (such as provision of information), Namibia may seek technical assistance to further Namibia's participation in some of the following endeavours:

- Institutional strengthening of RFMOs;

- Additional compliance mechanisms to be adopted by RFMOs;

- Better collection and exchange of information through RFMOs;

- Strengthen monitoring, control and surveillance through RFMOs;

- Development of comprehensive port State systems through RFMOs;

- Improve documentation and certification schemes through RFMOs;

- Regulate chartering arrangements through RFMOs;

- Formalise cooperation among RFMOs and between RFMOs and other international organizations.

As host of SEAFO, Namibia shall continue its efforts to encourage signatory States to the SEAFO Convention who have yet to ratify the Convention to do so. Namibia will also encourage non-contracting parties with a real interest in the fishing opportunities within the SEAFO Convention Area to also sign and ratify the Convention.

PART VII - REQUIREMENTS OF DEVELOPING STATES

TRAINING

Since Independence, MFMR has placed a very high priority on human resource development across the board, from fishermen to vessel skippers, from research scientists to senior managers. Four courses have been developed by MFMR: (a) Fisheries Inspector and Observers Course (9 months duration); (b) Commercial Sampling Programme for Fisheries Observers (3 x 2 weeks); (c) Cadet Programme for patrol boat officers (4 years); and (d) Scientific Technical Assistance course (6 months).

Courses are undertaken at the country's own academic institutions (Namibian Maritime and Fisheries Institute (NAMFI) at Walvis Bay and the Polytechnic of Namibia and University of Namibia (Windhoek). Patrol vessel officers and engineers receive training through on-the-job training with Norwegian technical specialists and also on courses organised with South Africa. The Ministry also utilises training/education opportunities for its staff both regionally and internationally. National scientists undertake various short and long courses leading to diploma, degree and post-graduate qualifications, and MFMR organises regular *ad hoc* workshops and seminars into various aspects of fisheries research, development and management, often through regional programmes such as BENEFIT and BCLME.

DEVELOPMENT ASSISTANCE

In addition to MFMR's own budgets, considerable assistance has been received in fisheries development, management and training through external economic and technical assistance. All have been donor supported usually with a significant contribution in cash or in kind from the Namibian Government. Bi-lateral assistance has been provided, and many cases continues to be provided, by Norwegian Agency for Development Co-operation (NORAD), Australian International Development Assistance Bureau (AIDAB), Danish International Development Agency (DANIDA), Department for International Development (DFID) UK, Gesellschaft fur Technische Zusammenarbeit (GTZ), Germany, Centrum fur Internationale Migration und Entwicklung (CIM), Germany, Icelandic International Development Agency (ICEIDA), Iceland, Government of Spain, International Centre for Ocean Development (ICOD), Japanese International Cooperation Agency (JICA), and Fonds d'Aide et de Coopération (France).

Multi-lateral assistance has been provided by: Food and Agriculture Organisation (FAO), United Nations Industrial Development Organisation (UNIDO), Commonwealth Fund for Technical Cooperation (CFTC), Global Environment Facility (GEF), and the European Union (EU).

TECHNICAL CAPACITY AND RESOURCES

MFMR will continue to provide adequate human, financial and material resources to its MCS and enforcement activities in support of the activities detailed in this report. Technical assistance available through RFMOs, donor organisations and regional programmes will be utilised as required in support of training and skills development.

Namibia will cooperate to support training and capacity building and technical assistance to other developing countries, in order to fully meet commitments under the IPOA and obligations under international law, especially in regard to duties as flag States and port States. The support of FAO and relevant international financial institutions and mechanisms, may be sought as appropriate.

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Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
New York, 22-26 May 2006

Note verbale dated 12 April 2006 from the Permanent Mission of Canada to the United Nations addressed to the Secretariat

The Permanent Mission of Canada to the United Nations presents its compliments to the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat and has the honour to forward to the latter a thematic summary of the document Post-UNFA overview of RFMO regulation of straddling fish stocks and highly migratory fish stocks (annex) that was distributed to delegations at the time of the Informal Consultations of States Parties (ICSP) to the United Nations Fish Stocks Agreement (UNFA) ("the summary"). Also enclosed are the matrices that are excerpts of the "Post-UNFA" document ("the matrices" — see appendix*). These matrices, which describe existing regional fisheries management organizations (RFMOs), provide an excellent factual accompaniment to the summary. The summary and the matrices complement the report of the Secretary-General (A/CONF.210/2006/1 and Corr.1) and, along with documents from other delegations, should form a substantial basis of information for delegations to conduct their respective assessments of UNFA in preparation for the upcoming Review Conference.

The Permanent Mission of Canada requests that these documents be translated and circulated as official documents of the Review Conference. In the event that the matrices are too long to translate, the Permanent Mission requests that they be attached to the summary in their original language.

* The appendix is being circulated in the language of submission only.

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Annex to the note verbale dated 12 April 2006 from the Permanent Mission of Canada to the United Nations addressed to the Secretariat

Post-UNFA overview of RFMO regulation of straddling fish stocks and highly migratory fish stocks

Summary, 31 March 2006

A. Background

1. Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFA)

1. UNFA was negotiated over a three-year period and adopted in 1995 to strengthen certain provisions of the United Nations Convention on the Law of the Sea (UNCLOS) relating to straddling fish stocks (SFS) and highly migratory fish stocks (HMFS), particularly articles 63, 64 and 116-119, and provide for the coherent and responsible conservation and management of these stocks throughout their geographic range. UNFA entered into force in December 2001, following the deposit of the thirtieth instrument of ratification. The Agreement addresses concerns voiced during the 1992 United Nations Conference on Environment and Development regarding the demise of key international fishery resources, the impact of fishing operations on ocean ecosystems, and the need to ensure that all fishing is conducted responsibly in accordance with guidelines to achieve sustainable development.

2. UNFA builds upon, reformulates and refines UNCLOS to ensure the long-term conservation, sustainable use and responsible management of SFS and HMFS, and their associated and dependent species. As noted by the Legal Counsel of the United Nations in his statement to the fifth round of Informal Consultations of States Parties to UNFA (ICSP-5) in March 2006, UNFA "is considered to be the most important legally binding global instrument for the conservation and management of fishery resources since the adoption of [UNCLOS] in 1982".

3. The significance of UNFA underscores the need to achieve its universal acceptance and effective implementation as called for in the Johannesburg Plan of Implementation adopted at the 2002 World Summit on Sustainable Development (WSSD) and in recent General Assembly resolutions. As of March 2006, there were 149 parties to UNCLOS, 57 to UNFA and 33 to the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Food and Agriculture Organization of the United Nations (FAO Compliance Agreement). Several States, including prominent high seas fishing nations, indicated during ICSP-5 their intention to join UNFA in 2006.

4. Together with the FAO Compliance Agreement and the FAO Code of Conduct for Responsible Fisheries of 1995 (FAO Code of Conduct), UNFA provides a set of norms and principles and minimum international standards for regulating fishery resources and related activities, with an emphasis on the duties of flag States. The

responsibility of coastal States to sustainably manage these resources within their exclusive economic zones (EEZs) is reinforced through the introduction and application of post-UNCLOS management principles and approaches such as the precautionary approach (PA) and the ecosystem approach (EA) to fisheries. These post-UNCLOS principles and standards apply throughout the range of SFS and HMFS, both within areas of national jurisdiction and on the high seas. UNFA reaffirms the jurisdiction of flag States over their vessels fishing on the high seas and elaborates obligations and responsibilities which qualify the traditional freedom of fishing on the high seas. UNFA also contains innovative provisions for action by non-flag States parties where non-compliance with conservation and management measures is suspected and the flag State fails or is unable to act in a timely manner.

5. UNFA reinforces the need for cooperative, compatible management between coastal States and flag States by strengthening the role of both regional fisheries management organizations (RFMOs) and regional fisheries management arrangements (RFMAs). Where there are gaps, new RFMOs or RFMAs should be established to conserve and manage these fish stocks coherently throughout their geographic range.

6. Article 36 of UNFA provides for the convening of a review conference by the Secretary-General of the United Nations four years following the coming into force of the Agreement to assess the effectiveness of the Agreement in securing the conservation and management of SFS and HMFS. Article 36 (2) further enjoins the Conference to "review and assess the adequacy" of the provisions of UNFA and, if necessary, "propose means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of straddling fish stocks and highly migratory fish stocks". The Review Conference will be held from 22 to 26 May 2006 at United Nations Headquarters.

2. Legal overview

7. UNCLOS, UNFA and the FAO Compliance Agreement are treaties, sometimes referred to as "hard law". UNFA, the key legal instrument governing fisheries for SFS and HMFS, was negotiated in parallel with the FAO Code of Conduct. The FAO Compliance Agreement entered into force two years after UNFA, in 2003.

8. The FAO Code of Conduct is a voluntary, non-legally binding instrument and is thus often referred to as "soft law". However, the FAO Compliance Agreement, though a treaty, forms an integral and binding part of the FAO Code of Conduct. To supplement the FAO Code of Conduct (and UNFA) there are four International Plans of Action (IPOAs) (to reduce by-catch of seabirds, to conserve and manage sharks, to reduce excess fleet capacity, and to combat illegal, unreported and unregulated (IUU) fishing) which were negotiated and adopted by FAO in the framework of the Code of Conduct. Further, a series of Technical Guidelines (including one on the precautionary approach and one on the ecosystem approach to fisheries, and another on IUU fishing), has been prepared by FAO to assist in the implementation of the FAO Code of Conduct and the IPOAs. The IPOAs have been given added impetus by the Johannesburg Declaration on Sustainable Development and Plan of Implementation, which set tight timelines for their implementation.

9. There are now many international legal instruments and initiatives governing the conservation and management of fish stocks within and beyond areas of national jurisdiction. Both hard and soft law instruments have been developed, particularly over the last decade, to support and reinforce the UNCLOS regime to conserve and manage SFS and HMFS. These interrelated initiatives in international fisheries governance constitute an evolution in the new international law for fisheries. The question remains whether this new and continually evolving regime for sustainable fisheries will be embraced by coastal, port and flag States alike, adopted by RFMOs, and implemented responsibly by the fishing industry. The challenge is to fully implement and comply with the international fisheries governance framework, moving from words to action.

3. Straddling fish stocks and highly migratory fish stocks

10. "Straddling fish stocks" or "straddling stocks" are described in article 63 (2) of UNCLOS as a "stock or stocks of associated species [occurring] both within the exclusive economic zone and in an area beyond and adjacent to the zone". While neither UNCLOS nor UNFA provides a precise definition, these terms are now commonly understood to refer to fish stocks that straddle areas of national jurisdiction and the adjacent high seas. In other words, SFS can be found both within the EEZ and in an area beyond and adjacent to the EEZ, or migrating between an EEZ and the high seas. SFS must be distinguished from transboundary fish stocks (sometimes referred to as shared or joint stocks), as described in article 63 (1) of UNCLOS, which occur within the EEZs of adjacent coastal States.

11. HMFS are considered to be those tuna and tuna-like species whose distribution and migration patterns cover great distances, moving through maritime areas under national jurisdiction and the high seas. While no definition is provided in UNCLOS, article 64 uses the term "highly migratory species" to refer to species listed in annex I. This annex lists 17 highly migratory species: albacore tuna, bluefin tuna, bigeye tuna, skipjack tuna, yellowfin tuna, blackfin tuna, little tuna, southern bluefin tuna, frigate mackerel, pomfrets, marlins, sail-fishes, swordfish, sauries, dolphin, oceanic sharks and cetaceans. UNFA, however, does not refer to "highly migratory species" and instead confines the Agreement to highly migratory "fish" stocks.

12. While many species of marine living resources occur within areas of national jurisdiction and on the high seas, SFS and HMFS do not include anadromous and catadromous species, marine mammals (included in UNCLOS annex 1), sedentary species (as defined by article 77 of UNCLOS), nor high seas discrete stocks, i.e. those species whose migration pattern does not include areas of national jurisdiction. However, it should be noted that some molluscs and crustaceans, while sedentary, are also regulated as straddling stocks by certain RFMOs. And while discrete high seas stocks are not straddling, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the North-west Atlantic Fisheries Organization (NAFO), the North-east Atlantic Fisheries Organization (NEAFO), the South-east Atlantic Fisheries Organization (SEAFO) (and the proposed South Indian Ocean Fisheries Agreement (SIOFA)) have competence to regulate these "purely" high seas fish stocks as well.

4. RFBs

13. Regional fishery organizations are generally referred to collectively as regional fisheries bodies (RFBs). There are now over 30 RFBs worldwide. RFBs are diverse in scope and mandate and can generally be divided into three categories: (i) multilateral management entities (RFMOs or RFMAs) through which members directly establish management measures; (ii) advisory bodies that provide members with scientific and management advice including those that provide a regional coordination and development function; and (iii) scientific research organizations that provide only scientific and data advice. To enhance inter-RFB cooperation and coordination, an RFB network was established in 1999, hosted by FAO. This group meets biennially.

5. RFMOs

14. The term RFMO refers to those RFBs that have management and enforcement responsibilities, a constitutive instrument, and a permanent Secretariat with regular organizational meetings. RFMOs are thus a geopolitical construct overlaid with operational or management functions in fisheries through agreement among interested States, a regional economic integration organization (REIO), or fishing entity. Four basic elements characterize RFMOs: (a) a geographic area of application, or range as in the case of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), for a certain fish stock or stocks; (b) an institutional arrangement that establishes a body or structure to carry out the management of the area; (c) an array of functions necessary to carry out its management objectives; and (d) a constitutive instrument setting out the terms of cooperation for the participating States, REIO, or fishing entity.

6. RFMAs

15. An RFMA differs from an RFMO in that it is a cooperative fisheries management mechanism that does not establish a formal "organization" or "body" as such. Article 1 (1) (d) of UNFA defines an RFMA as a "cooperative mechanism established in accordance with the Convention and this Agreement by two or more States for the purpose, inter alia, of establishing conservation and management measures in a subregion or region for one or more straddling fish stocks or highly migratory fish stocks". This definition gives States considerable flexibility in devising a practical and effective management mechanism. Establishing a formal organization may be deemed not necessary if a less structured, effective mechanism is agreed. For instance, a practical, cost-effective regional arrangement can enable the contracting parties to rotate annual meetings and to collect data, with FAO or some other appropriate international organization serving as the repository. Examples of RFMAs include: arrangements under the Bering Sea Donut Hole Convention; the not yet adopted or signed SIOFA; the South Tasman Rise Agreement; arguably the 1999 Loop Hole Agreement between Iceland, Norway and the Russian Federation; the bilateral fisheries agreements between the Russian Federation and China, Japan, the Republic of Korea and Poland over the "Peanut Hole" in the Sea of Okhotsk; and the 2001 provisional agreement for swordfish between the European Community (EC) and Chile. The Bering Sea Donut Hole (BSDH) is further examined in the matrices.

7. FAO RFMOs or RFMAs

16. RFMOs and RFMAs can also be established within the framework of FAO. In this respect, it is essential to distinguish between bodies which are established under article VI of the FAO Constitution from those established under article XIV. Article VI bodies have only recommendatory or advisory mandates and no decision-making or enforcement powers. Further, their budgets are primarily funded by FAO, which also provides the secretariat. Bodies in this category include the Fishery Committee for the Eastern Central Atlantic (CECAF), the Western Central Atlantic Fishery Commission (WECAFC) and the South-west Indian Ocean Fisheries Commission (SWIOFC — established in November 2004). These would not be considered an RFMO or RFMA under UNFA.

17. FAO article XIV marine fisheries bodies, on the other hand, are bodies with an autonomous budget based on contributions from the members and they have, subject to the specific provisions of the treaty in question, autonomous decision-making powers, including the power to adopt binding conservation and management measures. They are established under their own treaty regime adopted by the parties in accordance with article XIV of the FAO Constitution, and registered with the United Nations. These include: the General Fisheries Commission for the Mediterranean (GFCM); the Asia-Pacific Fishery Commission (APFIC); the Indian Ocean Tuna Commission (IOTC); and the Regional Commission for Fisheries (RECOFI). GFCM and IOTC are RFMOs whose regulatory competence includes highly migratory fish stocks.

8. RFMOs as vehicles of good governance

18. A central element of the governance regime under UNFA is international fisheries management through a network of RFMOs or RFMAs. RFMOs remain the primary mechanism through which coastal States, States fishing in the area and others with a "real interest" in the fishery fulfil their duty under UNFA to cooperate in the management of SFS and HMFS. Since these stocks occur both within and beyond areas of national jurisdiction, a cooperative and compatible management strategy is required to avoid overfishing (e.g. through authorized access, precautionary total allowable catches (TACs) and quotas). Such bodies are intended to ensure that SFS and HMFS, together with the associated and dependent fish and non-fish species, are sustainably managed throughout their geographic range.

9. Strengthening the RFMO network

19. UNFA calls upon States to strengthen existing RFMOs and, pursuant to article 8 (5), to establish RFMOs for any high seas area where there is no regime for regulating SFS and HMFS. With the entry into force of the Western and Central Pacific Fisheries Commission (WCPFC) in 2004, there is now global coverage of commercial tuna and tuna-like species. Six RFMOs have competence to manage tuna and tuna-like species (CCSBT, GFCM, the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tuna (ICCAT), IOTC and WCPFC). There is also the bilateral provisional arrangement between EC and Chile for the management of swordfish in the South-East Pacific. Two lesser-valued commercial HMFS — slender tuna and the butterfly kingfish — occur in the Southern Ocean and are sometimes caught as by-catch in

the southern bluefin fishery. There may be a need to broaden the competence of an RFMO to encompass these HMFS.

20. There are four RFMOs and one RFMA with competence over straddling fish stocks: CCAMLR, NAFO, NEAFC, SEAFO and BSDH. Additionally, there is the Peanut Hole in the Sea of Okhotsk, which is a UNFA article 16 enclave, the South Tasman Rise Agreement, and the Galapagos Agreement for the South-East Pacific, which was negotiated, adopted and signed in August 2000 but has not been ratified by the minimum number (four) of States to come into force.

10. Establishment of post-UNFA RFMOs

21. SEAFO, adopted in 2001, was the first post-UNFA treaty to be ratified, entering into force in April 2003. WCPFC, the first post-UNFA agreement to be adopted (2000), entered into force in June 2004. The constitutive instruments of both these RFMOs are modelled on the provisions of UNFA. Their operational aspects are still in their initial phases. The challenges are therefore different in some ways from those of RFMOs established prior to UNFA or even prior to UNCLOS (GFCM, IATTC, ICCAT and NAFO).

11. Unregulated high seas areas for straddling fish stocks

22. High seas fishing for SFS remains unregulated in parts of the world, namely in the Southern Indian Ocean, the South-west Atlantic and the South Pacific. Efforts have been made in the post-UNFA period to address these gaps. The draft text of the agreement creating SIOFA has been finalized, but the agreement has not yet been adopted and signed. A plenipotentiary meeting is planned to take place in Rome in mid-2006. A new RFMO has been proposed to manage the non-highly migratory fish stocks in the South Pacific Ocean. The first negotiating session for this initiative was held in Wellington, New Zealand, in February 2006. The second meeting is scheduled to be held in Australia in November 2006.

12. RFMO reform and modernization of pre-UNFA RFMOs

23. RFMOs established prior to UNFA are, to varying degrees, incorporating the new principles and functions called for under the new regime. The challenge of RFMO reform or modernization has been taken up in various ways: IATTC negotiated a new constitutive agreement known as the Antigua Convention (key provisions are shown in italics in the IATTC matrix in the appendix) that will replace the existing IATTC Convention when it comes into force. The new agreement reflects modern developments in fisheries management, including application of the precautionary approach and compatibility principles as described in UNFA and the FAO Code of Conduct. GFCM amended its agreement in 1997 in recognition of UNFA and other international instruments to include the precautionary approach, membership of non-littoral States and an autonomous budget, and to restructure the Commission's subsidiary bodies. ICCAT has made efforts to increase participation in the Commission and improve criteria for the implementation of trade measures and, at the Annual Meeting in November 2005, it agreed to create a regional observer programme to monitor at-sea trans-shipment as well as to launch a process to strengthen the Commission in a manner consistent with UNFA and other relevant international instruments. In 1996, NEAFC created a Working Group on the Future of NEAFC to examine the adequacy of the NEAFC

Convention and to introduce measures and amend the Convention with a view to consistency with UNFA. On the basis of the Working Group's recommendations, it was agreed at the Annual Meeting in November 2005 to modernize the NEAFC Convention to provide a clearer mandate to pursue the ecosystem approach, protection of biodiversity and the precautionary approach. These amendments will be applied on a voluntary basis pending ratification. NEAFC parties further agreed to conduct an independent performance review to ensure the alignment with UNFA and related instruments. NAFO, after several years of incrementally adopting measures to align the organization with UNFA, agreed at its Annual Meeting in September 2005 to embark on a reform process. To this end, an ad hoc Working Group on NAFO Reform was established to evaluate and recommend changes to the NAFO Convention with respect to the decision-making process and to examine the current structure and operation of NAFO to, inter alia, strengthen the effectiveness of the RFMO consistent with UNFA and the St. John's Declaration. The first meeting of the ad hoc Working Group will be held in Montreal, Canada, in April 2006.

B. Overview of RFMO regulation

RFMO structure

13. RFMO/ RFMA structure

24. The overview of the 10 RFMOs and 1 RFMA includes information on signature, date of entry into force and location of headquarters. Nine RFMOs/RFMAs were established prior to UNFA and two RFMOs established subsequent to UNFA. The treaties establishing these RFMOs provide the areas of competence and the main objectives of the RFMO.

Fisheries, the precautionary approach and ecosystem approach

14. Key species and gear

25. Each RFMO has jurisdiction over specific stocks of SFS or HMFS. RFMOs with competence over SFS cover a variety of species particular to the relevant geographic area. Many species are demersal fish and small pelagics, with shrimp, squid and crab comprising the invertebrate fisheries. These stocks are generally harvested using bottom trawls, midwater trawls, bottom long lines, gill nets, purse seines and traps. RFMOs responsible for HMFS generally refer to annex 1 to UNCLOS for stocks over which they have competence. (The WCPFC, however, goes beyond the UNCLOS annex 1 species by defining HMFS to include "such other species of fish as the Commission may determine".) Large pelagic fish are generally captured using long lines and purse seines, with bait boats, gillnets, pole and line, trolling, handlining and other artisanal gear comprising smaller sectors of the fishery.

15. Stock status

26. The pre-UNFA call for a new governance regime to conserve and manage SFS and HMFS emerged from the recognition in the 1992 Rio Declaration that there was an urgent and immediate need to address the world's fisheries crisis. The history of

fishing SFS and HMFS is characterized by increased exploitation due to technological changes, increasing catch efficiency, expansion into new waters and the targeting of new species. The 2005 FAO review of the world fishery resources provides a valuable report on the past and current state of global fish stocks. In measured language, the review notes that, with an estimated marine catch of some 85 million tons, the general trend "... suggests that the maximum long-term potential of the world marine capture fisheries has been reached, with some stocks and areas being overfished and some stocks not producing their full expected long-term potential".[a]

27. As stocks have declined, fisheries issues have been recast as part of the broad-scale environmental and biodiversity concerns affecting food security, ecological security and, ultimately, human security. Determining stocks status is a critical obligation under UNFA, and key to understanding the relative state of fisheries and the corresponding need for effective conservation and management as provided in UNFA and in other instruments.

16. Status of straddling fish stocks

28. The poor state of many SFS remains a significant concern. Several stocks have not recovered despite moratoriums on directed harvesting for over a decade. Currently NAFO has nine stocks under moratoriums, six of which have been closed to directed fisheries for over 10 years; a tenth, Greenland halibut, is now under a rebuilding plan, and an eleventh stock, yellowtail flounder, is recovering. Alaskan pollock in BSDH has been under a moratorium since 1993, with 2005 pollock biomass in the Convention area estimated at 422,000 tons, substantially below the biomass of 1,670,000 tons required to trigger reopening the fishery. There is no direct fishery for pollock in the Sea of Okhotsk Peanut Hole. CCAMLR has several stocks that are depleted (the directed fishery for some species, including Antarctic rock cod, is prohibited and there is no longer a fishery for crab, squid, or lightfish). Krill have been assessed in some areas. The status of Patagonian toothfish (commonly known as Chilean seabass) has been the subject of international concern due to large-scale IUU fishing. In NEAFC, blue whiting is considered to have full reproductive capacity, though catches in recent years have exceeded recommended TACs. Mackerel with reduced reproductive potential is at risk of being overfished and Atlanto-Scandian spring spawning herring is considered to have full reproductive capacity. Stock status is uncertain for redfish, Rockall haddock and deep sea species in the NEAFC area. SEAFO has yet to assess stocks under its competence. Some RFMOs responsible for SFS also face the challenge of assessing and managing deep sea straddling stocks such as orange roughy, which are typically long-lived and slow growing, and vulnerable to overexploitation.

17. Status of highly migratory fish stocks

29. Globally, tuna and tuna-like species are generally fully exploited or overexploited. Of the RFMOs responsible for HMFS, CCSBT faces the greatest challenges with regard to stock status, as southern bluefin tuna is estimated to have declined by 90 per cent since 1960. Some Atlantic stocks under the competence of ICCAT are overfished or below target levels ($B<B_{msy}$*), including northern albacore,

* [Where B = biomass and msy = maximum sustainable yield.]

a FAO, *Review of the state of world marine fishery resources*, FAO Fisheries Technical Paper 457, FAO, Rome, 2005, p. 3.

western bluefin (depleted), blue marlin and white marlin. The latter three are currently managed under recovery plans. The status of eastern bluefin with regard to B_{msy} is uncertain and there is concern that it is being overexploited. There is also concern about the magnitude of stock mixing or overlap between the western and eastern bluefin populations and potential overfishing on the eastern side compromising the rebuilding efforts in the West Atlantic. The ICCAT rebuilding plan for North Atlantic swordfish appears to have met with some success. In 2002, after four years into a 10-year recovery programme, the stock had increased from 65 per cent to 94 per cent of its target stock size (B_{msy}). Areas were closed to fishing and spawning grounds were protected. The recovery plan is in place until 2008. South Atlantic albacore and blue sharks are above levels required to produce MSY. In 2005, GFCM and ICCAT developed data collection procedures for tuna farming to improve the estimation of amounts fished and the size composition of the catches (i.e. to ensure that fattening operations are properly controlled to avoid overfishing, consistent with conservation and management measures). Swordfish in the Mediterranean are stable or declining. In the Eastern Pacific Ocean, several stocks under the competence of IATTC are above the biomass needed to produce MSY, including skipjack, southern albacore, striped marlin and swordfish, with yellowfin biomass at MSY levels. Bigeye tuna is at its lowest levels of abundance since 1975, presenting a significant rebuilding challenge. The status of other pelagics, such as black marlin and sailfish, remains uncertain. Blue marlin is assessed to be near full exploitation albeit with some uncertainty. North Pacific albacore, for which management is being coordinated between IATTC and WCPFC, is considered to be fully exploited, although there is some uncertainty with the status of the stock. In the Western Pacific, in the area regulated by the recently formed WCPFC, skipjack and South Pacific albacore are above B_{msy} while bigeye and yellowfin are considered to be fully exploited. Fisheries for bigeye and yellowfin face expansion, and ensuring levels of harvest commensurate with the resource is a challenge for WCPFC and its members. The status of HMFS in the Indian Ocean, under the competence of IOTC, is varied, with uncertainties concerning the yellowfin stock (further increases in effort beyond 2000 levels is not recommended) and albacore, where there is no reliable assessment. Stock levels of skipjack are seen as stable, as are those of swordfish, although overfishing ($F > F_{msy}$*) of swordfish is suspected.

30. In summary, assessments available from RFMOs indicate that most stocks of tuna and tuna-like species are fully exploited, with some overfished and a few depleted. Few opportunities to increase exploitation exist, except in some areas of the Pacific and possibly in the Indian Ocean, where increases in catches of skipjack tuna might be sustainable. However, if current fishing techniques are used, this can only be done at the expense of detrimental by-catches of other species, particularly yellowfin and bigeye tuna.

18. Stock recovery

31. One objective of article 5 of UNFA is the restoration of stocks. The commitments of WSSD to restore fisheries to levels capable of producing MSY put pressure on both national and international management bodies to develop strategies that will result in stock restoration. While a desirable outcome of fisheries management, restoring stocks has proven to be challenging, even when there is

* [Where F = fishing mortality rate.]

political will to reduce fishing effort. Most recovery and rebuilding plans implemented in the last decade have not yet met the rebuilding objectives for the fish stocks concerned. Fishing effort often continues through by-catch, and factors other than fishing affect stock structure and biomass. Environmental effects (e.g. the North Atlantic Oscillation, El Niño and ocean acidification) can have a dramatic impact on recruitment to the fishery. Habitat destruction and pollution are additional factors that impede stock recovery. Reducing a stock below a certain biomass effectively removes much of its resilience to withstand natural fluctuations in the environment, reinforcing the need for risk-averse conservation measures.

19. Data and assessment challenges

32. UNFA emphasizes the need for rigorous data-reporting mechanisms that provide timely, accurate and complete information. Data limitations circumscribe or restrict the predictive capacity and the probative value of the best scientific evidence available, underscoring the need for applying the precautionary approach to fisheries. The inherent uncertainties in trying to count marine fauna (based on what is caught and not what is actually in the sea) and determining an appropriate harvest limit (based on estimating how many eggs will survive or how many juveniles survive to sexual maturity), together with the uncertainties inherent in the data collection, increase the need for caution. The standard reference in stock status is the biomass needed to produce MSY. While RFMOs may have different biological reference points, most refer to MSY as either a limit or a target and hence the status of the stock is generally referred to as below or above MSY, whether the variable is fishing mortality, biomass or catch levels.

20. Ecosystem approach to fisheries

33. Article 5 of UNFA emphasizes the need to take ecosystem considerations into account in managing fisheries for SFS and HMFS. UNFA recognizes that fisheries can have adverse impacts on the marine ecosystem and that changes in the marine ecosystem can impact on fisheries (pollution, climate change, natural fluctuations and oscillations, and habitat degradation). Overexploitation of fish stocks raises environmental and biodiversity concerns that have led to calls for certain species to be listed in appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and for the establishment of marine reserves. The need to avoid overfishing, rebuild fish stocks and rehabilitate habitat spurred the adoption of the 2003 FAO Guidelines, which provide a comprehensive framework building upon and moving beyond conventional fisheries management, known as the ecosystem approach to fisheries. A critical component of the EA is the reduction of excess capacity to ensure that fishing effort is commensurate with a sustainable catch. This framework, articulated through the FAO Guidelines on the ecosystem Approach to Fisheries, focuses on the need to control human activity through the wide application of the precautionary approach while increasing the knowledge base or human understanding of the marine ecosystem and the impact of fishing. While only CCAMLR has adopted a practical ecosystem approach, consistent with its mandate, other RFMOs have begun to include ecosystem considerations in their management decisions and to incrementally implement EA. Most RFMOs have developed by-catch mitigation measures (particularly those responsible for HMFS), addressing the IPOA on seabirds, the IPOA on sharks and sea turtle conservation concerns (CCSBT, IATTC, ICCAT, IOTC, WCPFC). NAFO

recently introduced a ban on shark finning and by-catch restrictions on shark catches including prohibition of discards. NEAFC banned the fishery for basking shark in 2006 and is temporarily prohibiting the use of gillnets, entangling nets and trammel nets. RFMOs for SFS have also closed areas to fishing (CCAMLR, NEAFC, NAFO and GFCM in its role as an RFB for shared stocks). Increasingly, RFMOs are addressing ecosystem effects through working groups which consider both the ecosystem effects on fish stocks and fishing impacts on the ecosystem.

21. Precautionary approach to fisheries

34. One of the key innovations established under UNFA is the precautionary approach (PA) to fisheries management (UNFA articles 6 and annex 1). CCAMLR systematically uses a structured precautionary assessment procedure to determine catch limits. To date, most RFMOs have examined how to adopt and implement precautionary reference points but have yet to operationalize the approach. Most RFMOs (with some notable exceptions) have reformulated MSY from a target management reference point to a limit, and some have introduced harvest control rules. If the objectives of UNFA and WSSD are to be realized, PA must be "applied widely" both within and beyond areas of national jurisdiction. This means that PA will be perceived not solely as a scientific exercise to develop precautionary reference points, but part of an overarching risk-averse, regulatory appraisal process whereby managers err on the side of conservation in making management decisions. Under PA as elaborated in the FAO Technical Guidelines (No. 2, 1996), the burden of proof is shifted to those opposing precautionary action to demonstrate that harvesting practices and fishing effort are within an acceptable level of harm, i.e. no serious or irreversible harm will result.

Participation

22. Members

35. UNFA gives effect to the general duty to cooperate and to conserve fish stocks by calling on States, fishing entities and REIOs to become members of RFMOs, or to agree to apply the conservation and management measures of such RFMOs regardless of whether they are members or not. The framework allows all States with a "real interest" in the fisheries concerned to become members or participants, and enjoins all States to comply with the management regime of the relevant RFMO or RFMA. While the term "real interest" is not defined in UNFA, since 1995 there has been a concerted effort to encourage non-member States, REIOs and fishing entities to join RFMOs. The major fishing nations have joined RFMOs, although membership by States known as "flags of non-compliance" is limited. It is expected that increased participation in and compliance with RFMOs will lead to better governance and effective regulation of SFS and HMFS.

23. Cooperating non-contracting Parties/cooperating non-members

36. Fishing by vessels of non-members has long undermined the effectiveness of RFMOs in managing their regulatory areas. To achieve broad cooperation and participation and therefore compliance with the RFMO conservation regime as called for under UNFA, most RFMOs created new categories for participation. Cooperating non-member status typically allows for participation in meetings and quota allocations or fishing opportunities, but not in decision-making. CCAMLR,

CCSBT, GFCM, IATTC, ICCAT, IOTC, NEAFC and WCPFC have all introduced differentiated participation status in recent years.

37. CCAMLR has introduced an additional subcategory of cooperating non-member States, namely those States participating in the CCAMLR catch documentation scheme (CDS), which may be port States where catches of toothfish are landed or trans-shipped, rather than fishing nations. Several RFMOs now also include REIOs, such as the European Union (EU), recognizing the major role of such inter-State arrangements in international fisheries management. EU has concluded access arrangements with many countries, and is a member of most RFMOs (CCAMLR, GFCM, ICCAT, IOTC, NAFO, NEAFC, SEAFO, WCPFC). Only CCSBT and IATTC do not permit REIOs to join as members. In practice EU does participate informally in IATTC and the Antigua Convention, not yet in force, will allow IATTC to accept REIO membership.

24. Fishing entity

38. Taiwan Province of China is precluded from becoming a member of RFMOs within the FAO framework (such as the GFCM and IOTC), as it is not recognized within the United Nations system as a State or separate political entity. Taiwan, however, has a large international fishing industry with a significant high seas fleet. The acceptance of the new concept of "fishing entity" with specified rights and obligations has permitted Taiwan to accede to the status of "member" and participate in WCPFC, as part of the Extended Commission in CCSBT, and as a cooperating fishing entity in ICCAT and IATTC. The IATTC-Antigua Convention (not yet in force) provides for participation of the fishing entity as a member.

25. Increase in RFMO participation

39. In the post-UNFA period, considerable pressure has been placed on fishing States, REIOs and the fishing entity to participate in RFMOs. Limiting access to fishery resources only to RFMO members, or to those that agree to apply the conservation and management measures of such RFMOs, has resulted in a marked trend to join RFMOs. For example, as of 5 March 2006, 41 States and one REIO from five continents are members of ICCAT, 23 of which joined since 1995.

26. Transparency

40. Article 12 of UNFA requires that States ensure transparent decision-making processes and to this end, representatives of intergovernmental organizations and non-governmental organizations (NGOs) should be allowed to participate as observers in meetings of RFMOs. All RFMOs responsible for SFS and HMFS have publicly accessible websites, with minutes of annual meetings and subsidiary bodies available online. Most RFMOs allow for NGO participation at meetings, upon application and subject to applicable procedural rules, which vary considerably.

Monitoring, control and surveillance

27. Data collecting and reporting

41. Article 10 of UNFA elaborates the functions of RFMOs, and provides for data collection and reporting to be used in stock assessment. States are to "obtain and evaluate scientific advice, review the status of the stocks and assess the impact of

fishing on non-target and associated or dependent species" (art. 10 (d)); "agree on standards for collection, reporting, verification and exchange of data on fisheries for the stocks" (art. 10 (e)); "compile and disseminate accurate and complete statistical data, as described in annex 1, to ensure that the best scientific evidence is available" (art. 10 (f)); and "promote and conduct scientific assessments of the stocks and relevant research and disseminate the results thereof" (art. 10 (g)). Since the entry into force of UNFA, all RFMOs have put into place measures to strengthen data collection and reporting. For example, ICCAT at its Annual Meeting in 2005 adopted a measure placing the onus on members as well as cooperating non-contracting parties to demonstrate why reporting requirements were not met and provide plans for corrective action.

28. Observer programmes

42. UNFA article 18 (3) (g) (ii) requires the implementation of national, subregional and regional observer programmes. There are two functions of observer programmes — the monitoring of compliance with conservation measures and the collection of scientific data. Most RFMOs responsible for SFS, with the exception of NEAFC, have an observer programme. The CCAMLR Scheme of International Scientific Observation (which is not compliance-oriented) requires 100 per cent coverage on all finfish vessels. Observers are present on some krill fishing vessels, but, as of 2006, observer coverage is not mandatory. NAFO requires 100 per cent observer coverage on all contracting party vessels fishing in the regulatory area, and has introduced a pilot project on real-time electronic submission of observer data. The BSDH Convention requires 100 per cent observer coverage. Observers from another party may be placed on a fishing vessel upon request. However, since the entry into force of the BSDH Convention there has been no commercial pollock fishery in the area. As of 1 January 2006, all vessels fishing in the SEAFO area are required to carry scientific observers.

43. RFMOs responsible for HMFS have limited observer programmes. ICCAT requires that a minimum of 5 per cent of large-scale longline vessels fishing for bigeye tuna carry observers, although coverage may be greater for some contracting parties. The 2005 ICCAT trans-shipment measures establish a regional observer programme, to be implemented not later than 2007, requiring the presence of observers during at-sea trans-shipments involving large-scale tuna longline fishing vessels. GFCM currently has no observer programme, but adopted in February 2006 the ICCAT trans-shipment recommendation, calling for the establishment of a GFCM regional observer programme. The Agreement on the International Dolphin Conservation Programme (AIDCP) requires 100 per cent coverage on large purse-seine vessels, with 70 per cent of observers provided by IATTC and the remainder supplied by contracting parties. The IATTC resolutions call for the use of observers for data collection and other monitoring services in the Eastern Pacific Ocean. Both IOTC and CCSBT encourage members to implement national observer programmes with suggested coverage at 10 per cent. WCPFC provides for a regional observer programme with implementation planned for 2006, in coordination with other national or regional programmes.

29. Vessel monitoring systems

44. The use of a satellite vessel monitoring system (VMS) is another tool to promote the effectiveness of national and regional fisheries conservation measures.

In terms of monitoring, control and surveillance (MCS), VMSs assist fisheries management authorities in data gathering (i.e. monitoring vessel movements and collecting catch data) to ensure compliance with management objectives. There is considerable potential for expanded use of this technology for MCS and enforcement. UNFA requires "the development and implementation of vessel monitoring systems, including, as appropriate, satellite transmitter systems, in accordance with any national programmes and those which have been subregionally, regionally or globally agreed among the States concerned" (article 18 (3) (g) (iii)). Currently, VMS initiatives are under way by a number of coastal States and RFMOs, including CCAMLR, IATTC, ICCAT, NAFO and NEAFC. As of 1 April 2006, all vessels authorized to fish in the SEAFO area are to comply with its VMS standards, with data transmitted to the flag State Fisheries Monitoring Centre (FMC) and then to the SEAFO Secretariat. Some of these RFMOs have had a fully functional VMS for several years (frequency of position reports from fishing vessels are now transmitted every two hours in NAFO and NEAFC). WCPFC recently endorsed the establishment of a satellite VMS as an integral part of its MCS system.

30. Enforcement

45. RFMOs with competence for SFS and HMFS have increasingly implemented enforcement mechanisms over the last decade, including at-sea and in-port inspections, measures to address trans-shipment and the creation of "positive" and "negative" vessel lists. UNFA article 18 (3) (h) requires flag States to take measures to regulate trans-shipment on the high seas to ensure that the effectiveness of conservation and management measures is not undermined. Several RFMOs have adopted regulations or prohibitions on trans-shipment and landing of trans-shipped fish: GFCM, IATTC (in respect of purse-seine vessels), ICCAT, IOTC, NAFO and NEAFC. Article 27 of the WCPFC Convention allows port States to prohibit landings and trans-shipments if catch was taken through non-compliance and provides that, to the extent practical, trans-shipment is to take place in port.

31. At-sea boarding and inspection

46. UNFA article 18 (3) (g) (i) calls for the implementation of national inspection schemes and subregional and regional schemes for cooperation in enforcement pursuant to articles 21 and 22, including requirements for such vessels to permit access by duly authorized inspectors from other States. The basic procedures for boarding and inspection are set out in article 22. Most RFMOs and RFMAs responsible for SFS have at-sea boarding and inspection schemes in force (CCAMLR, NAFO and NEAFC). Both the BSDH Convention and the SEAFO Convention provide for an at-sea inspection scheme. To date, most RFMOs responsible for HMFS have not adopted at-sea boarding and inspection schemes; however, WCPFC agreed in December 2005 to apply UNFA articles 21 and 22 in the WCPFC regulatory area as of 19 June 2006. The boarding and inspection procedures will be further considered during the intersessional period and will not be used until finalized at the third Annual Meeting of WCPFC.

32. In-port inspections and port State measures

47. Fishing vessels seek port access for many reasons, including refuelling, provisioning, landing catch, trans-shipment, repairs and in case of emergencies. Accordingly, port State control is now a fundamental MCS obligation. Some

RFMOs (including CCAMLR, ICCAT, IOTC, NAFO, NEAFC and WCPFC) have either introduced or are in the process of introducing measures to require member States to inspect IUU vessels in their ports and to prevent the landing or transshipment of unauthorized catch. The role of port States in catch and trade documentation schemes is an area for further development. Some of the challenges relate to jurisdiction (under international law, ports fall under the exclusive jurisdiction of the port State), implementation capacity of developing countries and the international trade law implications of port State measures. The FAO Model Scheme on Port State Measures recently endorsed by the FAO Committee on Fisheries provides a useful guide for RFMOs on how to address some of these issues.

33. RFMO registers

48. Pursuant to article 18 (3) (c) of UNFA, flag States are to establish national records of vessels authorized to fish on the high seas. There is a need to ensure that flag States effectively control vessels flying their flag, and refuse to register or grant licences to vessels over which they cannot exercise the necessary control. Further, there is a need to ensure that appropriate sanctions are imposed for non-compliance. CCAMLR, CCSBT, GFCM, IATTC, ICCAT, IOTC, NAFO, NEAFC and WCPFC have all established "lists of vessels authorized to fish in the area". These so-called "positive" vessel lists are often referred to as vessel records or registries. There is a presumption in these RFMOs that vessels fishing in their regulatory areas without authorization are IUU vessels. Many RFMOs have established "IUU negative" vessel lists. CCAMLR, IATTC, ICCAT, IOTC, NEAFC and most recently, NAFO and GFCM have established IUU vessel lists. Sharing of such lists between RFMOs ensures that vessels known to have violated conservation and enforcement measures in one area cannot operate easily in another area.

34. Catch documentation and trade measures

49. Another new development in international fisheries law since the adoption of UNFA is the use of multilaterally agreed non-discriminatory trade measures to promote compliance with international conservation and management measures. Article 33 (2) of UNFA, although not directly mentioning trade measures, provides that "States Parties shall take measures consistent with this Agreement and international law to deter the activities of vessels flying the flag of non-parties which undermine the effective implementation of this Agreement". CCSBT, IATTC, ICCAT and IOTC have all implemented catch, statistical or trade documentation schemes. ICCAT first introduced its statistical documentation programme in 1994 for bluefin tuna. CCAMLR has a CDS for Patagonian toothfish. NAFO requires that all fish caught in the regulatory area be labelled as such.

50. The IPOA to combat IUU fishing expands on UNFA by making specific provision for the use of multilateral trade measures by RFMOs to enforce regional conservation and management measures. Such measures may include the adoption of multilateral catch documentation and certification schemes, import and export controls, or prohibitions. Several RFMOs (CCAMLR, CCSBT, ICCAT, IOTC, NEAFC and NAFO) have developed and implemented wide-ranging trade-related measures to address IUU fishing. Measures include mandatory prohibition of imports of fish from non-members whose vessels undermine the effectiveness of agreed conservation measures (CCAMLR CDS); prohibition of imports from

members that exceed their catch limits; prohibition of imports from non-members that fail to take corrective action; use of CDS, to determine the origin of fish and whether the fish is harvested in a manner consistent with the RFMO management measures; use of other statistical documentation programmes which trace all fish and fish products that enter international trade; provision of catch documents to vessels, including export (or re-export) validation by the exporting State; and marking or labelling of fish products to indicate product species production method (e.g. caught at sea, inland waters, or farmed), and the catch or production area.

Governance efforts

35. Decision-making

51. To increase the effectiveness of RFMOs, efforts have been made to strengthen the decision-making processes in order to increase the adoption of measures needed to regulate the fisheries, enhance the likelihood of implementation and compliance, as well as avoid and reduce the possibility of disputes. Several RFMOs have adopted science-based decisions, pre-agreed decision-rules, including harvest controls, and allocation criteria, all of which are intended to provide for a more predictable, robust and transparent system accepted by all participants.

36. Consensus-based decision-making

52. All RFMOs, with the notable exception of NEAFC, generally use consensus-based decision-making procedures even where their constitutive agreement contains voting procedures. While consensus can be an effective procedural device to avoid marginalizing a minority viewpoint and enhance compliance through collective agreement, it can also result in a protracted decision process, often leading to delay or paralysis to the detriment of making timely, responsible and effective management decisions for the sustainability of fish stocks. Consistent with UNFA, some RFMOs have endeavoured to address these shortcomings by establishing minimum international standards serving as the benchmark for decisions. These standards act as a default position even for a provisional period until agreement is reached, whether by consensus or an alternative mechanism, to break a deadlock or resolve disputes. These standards are reinforced by pre-agreed decision-rules, precautionary reference points and criteria for setting TACs and determining quotas. Where consensus cannot be reached in a timely fashion, the process in some organizations can default to a voting procedure or a fast-track dispute-settlement process.

37. Objection procedures

53. A central tension characterizing international fisheries organizations is the need to balance State sovereignty with the obligation to cooperate within an RFMO. One mechanism adopted to achieve this balance is the objection procedure or opting-out clause, which allows a State to opt out of conservation and management decisions to which it objects. However, objections often lead to contentious unilateral action that can undermine the RFMO conservation regime. In an effort to improve the effectiveness of the decision-making process, some RFMOs (NEAFC and SEAFO) have introduced provisions stipulating conditions under which objection can be made, requiring, for example, that reasons must be given for the objection, and that the objecting State must provide an acceptable post-opting-out

plan that demonstrates that the conservation regime will not be undermined by unilateral action. CCSBT, IATTC (and the Antigua Convention) and WCPFC do not have an objection procedure in their constitutive agreements.

38. Dispute settlement mechanisms

54. All of the major treaties on the law of the sea governing fisheries (UNCLOS, UNFA and the FAO Compliance Agreement) make provision for the settlement of disputes. UNCLOS and UNFA contain compulsory procedures entailing binding decisions. However, these treaties also emphasize the more fundamental obligation to settle disputes by peaceful means by such methods as negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement and resort to regional agencies or arrangements.

55. UNFA contains a comprehensive system of dispute settlement linked to UNCLOS. The principal provisions relate to: the obligation to settle disputes by peaceful means; the prevention of disputes by the adoption of efficient and expeditious decision-making procedures or the strengthening of existing procedures; the use of ad hoc expert panels for disputes of a technical nature; the compulsory and binding procedures for the settlement of disputes found in UNCLOS; the use of provisional measures; and certain limitations to protect the interests of coastal States in their EEZs, as contained in article 297 (3) of UNCLOS.

56. The obligation in UNFA (art. 28) to cooperate to prevent disputes, to agree on efficient and expeditious decision-making procedures within RFMOs and to strengthen them as necessary is a strong acknowledgement of the importance of the need to adopt procedures to prevent disputes in the first place.

57. Not all RFMOs have procedures in their constitutive treaties for settlement of disputes. For several RFMOs established prior to the adoption of UNFA in 1995, the pattern is mixed. Thus ICCAT and NAFO, for example, make no provision for compulsory dispute settlement, while CCSBT, GFCM and IOTC contain clauses permitting resort to binding dispute settlement procedures. Of those RFMOs that have been updated since 1995 in the light of the provisions of UNFA, IATTC makes limited provision for referring a dispute to an ad hoc expert panel with the mutual consent of the parties. NEAFC, however, has agreed to adopt amendments (not yet in force) which will establish a fast-track dispute-settlement mechanism. The post-UNFA RFMOs have included such provisions: both SEAFO and WCPFC incorporate the dispute settlement provisions of UNFA. In addition, the WCPFC decision-making process (which includes making binding decisions) provides for the appointment of a conciliator or a review panel where consensus is not reached.

39. Assistance to developing States

58. Measures required by UNFA and its implementation through RFMOs, in particular regarding data collection and reporting, the practical application of the ecosystem approach, effective mechanisms for monitoring, control and enforcement, domestic legislative and management measures as well as participation in international and regional meetings, require adequate financial and human resources. The effective participation of developing States in the expanded international fisheries governance system for SFS and HMFS requires financial assistance, technical support and capacity-building for developing State members of RFMOs. CCAMLR recently adopted a resolution (24/XXIV) to assist developing

States in keeping with article 25 of UNFA. Towards this end, the Part VII Fund has been established and is administered by FAO. To date, Canada, Iceland, Norway and the United States have made contributions to the Fund. Additionally, there have been bilateral and multilateral efforts to promote the full participation of developing coastal and island States in RFMOs and to facilitate the realization of attendant benefits of sustainable development through the effective implementation of UNCLOS and UNFA.

C. Conclusion

59. It is principally through RFMOs and the collaborative efforts of their contracting parties or members that the provisions of UNFA can be implemented and improved fisheries governance, resource recovery and sustainability realized. The world community is increasingly concerned with the overexploitation of fishery resources, the impact of fishing operations on ocean ecosystems and the need to ensure that all fishing is conducted responsibly. There is much we do not know about ocean ecosystems and the serious and irreparable harm that has resulted from unregulated or mismanaged living marine resources. UNFA provides a precautionary, science-based, ecosystemic governance framework to responsibly regulate straddling fish stocks and highly migratory fish stocks.

60. Many will be following with interest the results flowing from the UNFA Review Conference in May 2006. It is hoped that these materials will serve as a useful reference and assist in reinforcing the practical and visionary framework established by those who negotiated UNFA.

APPENDIX*

Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)

RFMO Structure	CCAMLR	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	Commission for the Conservation of Antarctic Marine Living Resources **Headquarters:** Hobart, Tasmania, Australia **Convention:** Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR Convention). **Signed:** May 20, 1980, Canberra, Australia. **In force:** April 7, 1982. **www.ccamlr.org**	The Southern Ocean surrounding Antarctica which constitutes the area south of 60°S latitude and between that latitude and the Antarctic Convergence. The Antarctic Convergence is a line joining the following points along latitude and longitude lines: 50°S, 0°; 50°S, 30°E; 45°S, 30°E; 45°S, 80°E; 55°S, 80°E; 55°S, 150°E; 60°S, 150°E; 60°S, 50°W; 50°S, 50°W; 50°S, 0°. CCAMLR area incorporates FAO Statistical Areas 48, 58 and 88.	To ensure the conservation, including rational use, of Antarctic living marine resources.	Commission, Standing Committee on Implementation and Compliance (SCIC), Standing Committee on Administration and Finance (SCAF), Scientific Committee (SC) and its Working Groups (WG); and Secretariat (Executive Secretary).	SC is comprised of scientific representatives and advisors from Member nations. SC provides Commission summary of discussion including rationale for findings and recommendations. SC establishes permanent WGs and recommends research programs, conservation and other measures to Commission. WGs include Fish Stock Assessment (WG-FSA), Ecosystem Modeling and Management (WG-EMM), Incidental Mortality Associated with Fishing (WG-IMAF), and Subgroup on Acoustic Survey and Analysis Methods (SG-ASAM), and Ad Hoc Joint Assessment Group (JAG). The CCAMLR Ecosystem Monitoring Program (CEMP) monitors key life-history parameters of selected dependent species.

* This appendix is being circulated as received, in the original language only.

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	Species: Antarctic Krill, Patagonian toothfish, Antarctic toothfish, sub-Antarctic lantern fish, Electrona carlsbergi, mackerel icefish, sevenstar flying squid, Antarctic rock cod and crabs. Currently, no active crab or squid fishery. **Gear:** Pots (crab), bottom trawls, bottom long lines, squid	**Stock status assessed in some areas:** Antarctic Krill all fisheries subject to precautionary TACs. **Depleted**: Patagonian Toothfish may be significantly depleted in Subareas 58.6 and 58.7 -many stocks regulated by precautionary TACs; Mackerel icefish (Area 48) - highly variable recruitment, restricted fishery, TAC imposed around South Georgia (Subarea 48.3); Antarctic rock cod – depleted in Area 48 and 58, no directed fishery. **Stock status unknown**: Antarctic toothfish - full status unknown, regulated by precautionary TACs; Sub-Antarctic lantern fish (Electrona carlsbergi) - no fishery since 1991/1992; Sevenstar flying squid - precautionary TACs imposed.	Seabirds are significant bycatch issue. Seabird bycatch mitigation measures in place since 1992. Other bycatch species include Antarctic rock cods, ice fishes, skates and rays. Bycatch considered by WG-FSA. Instituted bycatch conservation measures including mesh size regulation, bottom trawl prohibition around South Georgia, and bycatch of grenadiers, skates and rays (counted collectively) limited to 5% of toothfish catch; also established WG-IMAF (WGIMALF in 1994).	Krill, as prey species, is currently managed under EA. Article II of Convention outlines EA principle setting benchmark for other fisheries organizations. Began CEMP in 1984. Management approach regulates human activities to avoid deleterious changes in Antarctic ecosystem, including bycatch reduction of seabirds and other non-target species. 2005 SC MPA Workshop held in USA. At 2005 Annual Meeting, CCAMLR endorsed SC recommendation to establish harmonized regime across the Antarctic Treaty System (ATS). SC and relevant agencies to develop MPA network strategy. Next Workshop to be held 2007. 2005 Valdivia, Chile Symposium called for CCAMLR policy on destructive fishing practices, including impacts of bottom trawling.	As of 2005, the only RFMO to have fully incorporated PA into stock assessment and decision making. All regulated fisheries in areas under CCAMLR jurisdiction are subject to precautionary catch limits. In addition, both krill and Patagonian toothfish fisheries are subject to (pre-determined) decision rules. Though "PA" is not specified, Convention is first international fisheries instrument to outline the PA conservation principle. CCAMLR is pioneering efforts to manage marine ecosystem according to PA; and, new fisheries shall not develop faster than Commission is able to evaluate their potential consequences.

Participation	Members	Cooperating Parties	Membership	Participation Criteria	Transparency
	Members of the Commission: *Argentina*, ***Australia***, **Belgium**, **Brazil**, *Chile*, ***EC***, **France**, **Germany**, **India**, **Italy**, *Japan*, *Republic of Korea*, ***Namibia***, **New Zealand**, *Norway*, Poland, **Russian Federation**, **South Africa**, **Spain**, ***Sweden***, **Ukraine**, **United Kingdom**, ***USA*** and ***Uruguay*** (24 Members). **Bold:** UNFA *Italics:* FAO Compliance Agreement	Acceding States party to CCAMLR, but not Members of the Commission: Bulgaria, ***Canada***, **Cook Islands**, **Finland**, **Greece**, ***Mauritius***, **Netherlands**, *Peru*, Vanuatu (9). Members and Cooperating Parties are Contracting Parties (CPs). **Catch Documentation Scheme (CDS) Parties: Canada,** China, ***Mauritius***, *Peru*, ***Seychelles***, Singapore CPs and CDS Parties require CDS documents prior to importing toothfish.	Any State or REIO can become a CCAMLR Party subject to criteria listed in Articles XXIX and VI of CCAMLR Convention (including review by Commission and submission of written statement outlining reasons for application).	There are two categories of membership: 1) Members of Commission who pay dues, are involved in scientific research and/or fishing subject to conservation measures; and have voting rights; and, 2) Acceding States, or REIOs that are interested in research or harvesting activities, pay no dues, and agree to be bound by Convention. In addition, States who are Non-Parties to CCAMLR, including port States, can participate in the implementation of CDS (open and transparent process). In 2005, Commission adopted resolution 24/XXIV on NCP Enhancement Program consistent with UNFA.	Publicly accessible website which includes scientific data, Commission and SC proceedings, and Member activity reports. Availability of unpublished documents subject to Rules for Access to Data. Participation of observers from IGOs and NGOs is subject to Rules of Procedure of the Commission and SC (NGOs may attend as observers of Commission meetings and the main meeting of SC with unanimous approval by Members). Participating NGOs include ASOC and COLTO. Some meetings may be closed to observers, if requested by Member. Participating IGOs and RFMOs include the CEP, FAO, CITES, IWC, IOC, IUCN and CCSBT.

Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/ Trade Schemes
	Data collection by CCAMLR includes: fishery catch and effort statistics; data collected by scientific observers on fish bycatch, incidental mortality of seabirds and marine mammals; biological information and biomass estimates obtained during fishery-independent scientific surveys; biological information on dependent species collected as part of CEMP; CDS landing and trade statistics. All vessels participating in exploratory fisheries must complete research and tagging requirements.	CCAMLR Scheme of International Scientific Observation has 100% observer coverage on all finfish fisheries by independent, regional scientific observers. In 2005, observers on 8 krill vessels. At 2005 Annual Meeting, UK proposal for mandatory 100% observer coverage on krill vessels (1 year trial period) not adopted, however voluntary 100% observer coverage encouraged by most Members. Data collected using standard format and are submitted directly to CCAMLR and used by the SC and its WGs.	VMS not required for krill fishery. In 2004 adopted centralized VMS for finfish fisheries with data transmitted every 4 hours to flag State Fisheries Monitoring Centre (FMC) then communicated to Secretariat, or data can be transmitted on a voluntary basis directly from vessel to Secretariat. As of 2005, each vessel licensed by CCAMLR Members for finfish fisheries is required to have satellite-linked VMS with continuous reporting. VMS position data is used by Secretariat to corroborate toothfish landings in CDS. Exploratory fisheries are subject to exception, whereby VMS reports are transmitted by flag State after vessel has left the area. VMS reporting standards follow North Atlantic Format (NAF).	Enforcement of CCAMLR measures is undertaken through system of observation and inspection adopted in 1998. This is nationally operated scheme with CCAMLR designated inspectors. Where Members designate inspectors, results of inspection are reported to CCAMLR. Vessels licensed to fish are included on List of regulated vessels (rebuttable presumption that those not on List are unregulated or IUU). CCAMLR annually estimates level of IUU fishing and has taken comprehensive measures to address IUU fishing including, VMS, observers and the CDS (binding on all Members in 2000). As of 2003, there is also mandatory port inspection of all toothfish vessels. CPs following in-port inspection notifies Secretariat of all vessels carrying toothfish denied port access/landing/ transshipment. Secretariat informs CPs and CDS Parties.	CCAMLR adopted CDS for Patagonian toothfish in 2000. Scheme is designed to determine whether toothfish are caught in compliance with conservation measures by tracking landings and trade flows (corroborated by mandatory VMS). Regulated high seas fishing in conformance with CDS protocol includes all necessary documentation pertaining to landings, imports and transshipment of toothfish. Presumption exists that if documentation is not completed, fishing is IUU. To expedite and improve CDS, CPs and CDS Parties urged to use electronic CDS (E-CDS).

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	Decision making is consensus based; only Members of Commission may participate in decisions. Though voting procedure exists (each Member has 1 vote), there has not been vote in 23 years on any matter of substance (whether an issue is matter of substance is regarded as matter of substance). Members failing to pay contributions for 2 consecutive years lose right to participate in decision making during period of default. Resolutions are non-binding. Decisions on conservation measures are binding 180 days after Commission notification. While objection procedure exists under Convention, full procedure has never been activated, and only 2 technical objections to a measure have occurred.	Under Article XXV and in the event of a dispute, CPs must consult among themselves with view to resolution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means. If dispute is not resolved, it must, with Parties' consent, be referred to International Court of Justice (ICJ), or to arbitration. If dispute goes to arbitration, the tribunal must be constituted as provided in Annex to CCAMLR Convention.	Various levels of cooperation exist with Committee on Environmental Protection (CEP) of the Antarctic Treaty, FAO, IUCN, IWC, SCAR, IOC, the Pacific Community (formerly the South Pacific Commission), the FFA, CCSBT, IOTC, ACAP, and ICES. CDS collaboration with ICCAT, and IATTC. Seeks cooperation and info exchange with other organizations on IUU fishing. Actively involved with NEAFC and NAFO in the development of the NAF for common VMS reporting standards. Secretariat chairs and participates in RFB meeting held biennially on margin of COFI. Joined FIRMS. Joint CCAMLR-IWC workshop planned for 2006.	Continues to lead in operationalizing PA and EA. Continues to develop PA reference points as basis for decision rules. EA management of krill fishery. Held 2005 MPA workshop. Yearly symposium starting 2005. Introduced comprehensive reporting system through CDS and mandatory VMS for management of toothfish fishery. Established registry of vessels permitted to fish. Implemented seabird bycatch limits; if limit exceeded, vessel must cease to fish and leave area. Established: independent Regional Scientific Observer Program mandatory for all finfish fisheries; Regional Inspection program; and in-port inspection program for toothfish. have reduced IUU fishing through enforcement, CDS and diplomatic efforts. Encourages use of E-CDS. Have increased CDS Parties. Adopted 2005 NCP Cooperation Enhancement Program to further reduce IUU fishing.	Avoiding, reducing and eliminating overfishing and rebuilding depleted stocks. IUU fishing (particularly for toothfish) by CPs and NCPs. IUU fishing in adjacent Southern Indian Ocean area (proposed SIOFA may address this). Controlling toothfish transshipment. Assessing and enhancing compliance throughout CCAMLR area including within EEZs of coastal States. Extending Observer Program and VMS to krill fishery. Monitoring impacts of new krill harvesting method (pumping) and potential vessel and fleet capacity increases. Improving compliance with seabird bycatch mitigation measures, including within CCSBT Area. Balancing data access with confidentiality and security concerns. Increasing numbers of CDS Parties including port States. Late payment of dues by Members. Geopolitical and jurisdictional sensitivities.

RFMO Structure	CCSBT	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	Commission for Conservation of Southern Bluefin Tuna **Headquarters**: Canberra, Australia **Convention:** Convention for the Conservation of the Southern Bluefin Tuna (CCSBT Convention). **Signed**: May 10, 1993, Canberra, Australia. **In force**: May 20,1994 **www.ccsbt.org**	The entire range of southern bluefin tuna (SBT), covering approximately 30°S - 50°S in all oceans and the spawning ground south of Java, Indonesia. Where SBT geographic range overlaps with other RFMOs, CCSBT has primary competence.	To ensure, through appropriate management, conservation and optimum utilisation of SBT. The Commission provides internationally recognised forum for other countries/entities to actively participate in SBT issues.	Commission, Scientific Committee (SC), Stock Assessment Group, Independent Advisory Panel. In 2005, agreed to activate Compliance Committee. Extended Commission and Extended Scientific Committee was created in 2001(enabling Fishing Entity of Taiwan to participate). Secretariat (Executive Secretary).	SC advises Commission. SC has independent Chair and independent Advisory Panel. Stock assessment is conducted by Stock Assessment Group (SAG) established to separate technical evaluation and advisory roles of SC. SAG has independent external Chair. Independent Advisory Panel was created to assist national scientists with stock assessment, to provide support to process, and comment on Members' papers. If Members cannot agree on science, Advisory Panel will prepare independent advice. SC considers advice of SAG and advises Commission. No permanent scientific staff exist. Established extended SC to allow Fishing Entity of Taiwan to participate in scientific deliberations.

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	Highly migratory stocks: Southern bluefin tuna. **Gear:** Purse seine and long line.	SBT may have declined by up to 90% since 1960. In 2005, if no further reductions and continued failure to implement Management Procedure (CMP-2, pre-agreed formula adopted to set TAC), there is a possibility that spawning stock will decline to 0 tonnes by 2030. 2004 assessment concluded that catch rates at that time were more likely to result in further decline than stock increase. (Spawning grounds continue to be targeted within Indonesian EEZ.) Initial rebuilding plan to reach 1980 levels by 2020 was unachievable. 2005 adopted management procedure and quota reductions to ensure a 90% probability that spawning stock biomass in 2014 will not fall below 2004 level. (In 2005, market reviews indicate 10,000 tonnes SBT illegally caught).	Seabirds, sharks, rays, turtles and juvenile tuna. Measures adopted in 1995 mandate use of streamer lines and bait dying to mitigate seabird bycatch. Identification guides for sharks and seabirds have been published by CCSBT. Ecologically Related Species Working Group (ERS WG) meets biennially. Members and Cooperating Non-Members (CNMs) are required to report on implementation of required bycatch mitigation measures.	While EA is not expressly referred to in Convention, Commission has established Ecologically Related Species Working Group (ERS WG) charged with reducing bycatch and evaluating effects on associated species. ERS WG implemented data collection by fishing vessels on bycatch species. Focus remains on managing target stock.	No formal adoption of PA to date. Stock assessments take into account unreported catch and juvenile mortality.

Participation	Members/Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	Commission Members: ***Australia***, **New Zealand**, *Republic of Korea*, *Japan*. Extended Commission: Fishing Entity of Taiwan and Commission Members. Extended Commission created in 2002 (5 Members of Extended Commission). **Bold**: UNFA *Italics*: FAO Compliance Agreement	In 2003, Extended Commission decided to include status of Cooperating Non-Member (CNM). Philippines is CNM. Negotiations to join CCSBT are ongoing with **South Africa** and Indonesia as their nationals and vessels fish SBT. South Africa offered a catch quota of 45 tonnes (approximately three times their current catch levels).	Membership is open to any State whose vessels engage in fishing for SBT or to any coastal State through whose EEZ or fishing zone SBT migrates. REIOs are not permitted to join. CNM status is reviewed annually based on adherence to conservation management activities of Commission. In 2004, Extended Commission considered policy options for admission of new entrants, including setting of catch limits. No decisions were taken. Engagement of new Members or CNMs is encouraged to ensure that conservation measures are not undermined.	CNMs cannot vote, do not pay contributions but participate fully in discussions although they may be excluded from discussion on some agenda items at discretion of Chair (no exclusions have occurred to date). CNMs are required to observe conservation and management measures of CCSBT including any catch limit agreed with the CCSBT. Vessels of CNMs are added to CCSBT list of vessels authorized to fish for SBT.	Publicly accessible website. Meeting minutes and catch data are available online. NGOs may attend meetings as observers and submit documents with 100 days notice and unanimous consent of Parties. NGOs may also attend as Members of Party delegations. Reports and Commission documents are placed in public domain unless Party asks for document to be kept confidential. IGOs and other organizations are invited. Opening stages of Commission meeting are open to public, but subsequent discussions of substance are limited to Members, CNMs and observers.
Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/Trade Schemes

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	Decisions are made by consensus of Members present at Commission meeting. In case of vote, each member has one vote. Two-thirds of Members constitutes a quorum. Commission's work is principally done within Extended Commission. Decision making by consensus resulting in deadlock and failure to agree on catch quota in 1998-2002. No agreement reached in 2005 for TAC reductions for 2006-2007. Failure to reach consensus has lead to adoption of model based Management Procedure, with predetermined decision rules and data inputs, precluding opting out.	Article XIV provides dispute resolution directions. Annex I includes instructions for creating Arbitral Tribunal if other dispute resolution mechanisms fail. Parties have submitted a dispute to ITLOS (and not resolved through CCSBT dispute settlement procedures).	Obligated under Article 12 of Convention to cooperate with other RFMOs and IGOs. Cooperates with other tuna RFMOs regarding SBT. Tuna bodies met annually and participate in RFB biennial meetings. Effectiveness of RFMO improved through regular contact and shared data, trade statistics, lists of IUU vessels with IOTC and WCPFC. Has cooperation agreements with ICCAT, IOTC and WCPFC and participates in meetings of other RFMOs when the agenda includes relevant issues. Cooperates with CCAMLR on seabird bycatch measures.	Created Extended Commission and Extended SC to allow participation by Fishing Entity of Taiwan. Created status of CNM. Developed authorized vessel list (registry). Since 2001, enhanced Secretariat's role to strengthen inter-sessional management including maintaining database, managing TIS and negotiating with potential CNMs. Can control nationals under flag State (Article 15.4). CCSBT is considering implementing catch monitoring scheme. Adopt pre agreed management formula outlined in CMP-2, 2005. Activation of Compliance Committee.	SBT seriously overfished and at historically low levels. Current levels of catch non-sustainable. Urgent need to achieve stock rebuilding target; implement Management Procedure (CMP-2); and reduce TAC for 2006-2007. IUU fishing. Increase in number of non-Parties fishing SBT. Impact of harvesting of SBT on spawning grounds within Indonesian EEZ. Meeting targets for observer coverage of 10%. Data uncertainty, potentially corrupting important inputs on which SAG assesses and Commission sets quotas. Implementation of bycatch mitigation measures.

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Central Bering Sea Donut Hole

RFMO Structure	Donut Hole	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	Central Bering Sea Donut Hole **Convention:** Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (Donut Hole Convention). **Signed:** June 16, 1994, in Washington DC, USA by China, Republic of Korea, Russian Federation, and the USA; Japan, August 4, 1994; and Poland, August 25, 1994. **In Force:** December 8, 1995, for Russia Federation, Poland, China, and the USA; December 21, 1995, for Japan; and January 4, 1996, for Republic of Korea. **www.afsc.noaa.gov/refm/cbs/default.htm**	The high seas area of the Bering Sea. Covers beyond 200 nautical miles (nm) from baselines from which breadth of the territorial sea of coastal States (USA and Russia) of Bering Sea is measured, except as otherwise provided in Convention. Activities related to scientific data collection may extend beyond Convention Area within Bering Sea.	To establish international regime for conservation, management, and optimum utilization of Pollock resources in Convention Area; to restore and maintain pollock resources in Bering Sea at levels which will permit MSY; to cooperate in gathering and examining factual information concerning pollock and other living marine resources in Bering Sea; and to provide, if Parties agree, a forum in which to consider establishment of necessary conservation and management measures for living marine resources other than pollock in Convention Area.	Convention does not provide for a Commission. Parties convene Annual Conference. The Convention established a Scientific and Technical Committee that meets prior to Annual Conference. 10th meeting of Parties held September 2005 in Busan, Korea.	Scientific and Technical Committee (STC) was established to compile, exchange, and analyze information on fisheries harvests, pollock, and other living marine resources covered by Convention. Parties cooperate in scientific research and exchange data on Pollock resources, including trial fishing efforts.

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	Straddling Stock: *Theragra chalcogramma* (common name is Walleye or Alaska pollock). **Gear:** Pelagic / midwater trawls.	Moratorium on pollock fishery since 1993 in Donut Hole. USA subsequently ceased directed fishery within its EEZ in Aleutian Basin and Bogoslof area. At 2005 Annual Conference, STC confirmed continued low abundance of pollock stocks in Central Bering Sea. Estimated Pollock biomass level in Convention Area in 2005 was 422,000 metric tons (mt), substantially below levels that would trigger lifting moratorium, as described in Part I of Convention Annex (biomass less than or equal to 1.67 million mt, harvest level is 0). Occasional trial fisheries in past. No trial fisheries in 2005. Parties authorized Korea to conduct trial fishery in July and August 2006 to locate pollock concentrations.	There is concern over bycatch of Pacific salmon and Pacific halibut. If fishery re-opens, STC will address issues pertaining to bycatch mitigation measures.	Convention pertains only to conservation and management of pollock. Other species would be considered if Parties unanimously agree.	Though not specifically identified as "precautionary", the threshold formula in the Convention Annex is considered to represent precautionary reference points. The fishery is not to reopen unless threshold biomass of Aleutian Basin pollock is reached.

Participation	Members/Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	Japan, China, *Republic of Korea*, Poland, **Russian Federation** and the ***USA*** are signatories to Convention (6 members). **Bold:** UNFA *Italics:* FAO Compliance Agreement	None at this time	Parties may, by unanimous agreement, invite other States to become Parties to the Convention.	Although a moratorium on commercial pollock has been in place since 1993, Parties may conduct trial fishing using no more than two vessels in the Convention Area at any time. There are numerous provisions for such fishing to occur (e.g., providing information on trial fishing operations must be provided to other Parties two weeks in advance of operations; trial fishing vessels must have a flag-State scientific observer on board and offer other Parties an opportunity to place their own observers on board; and trial fishing vessels must follow measures adopted by Parties regarding vessel monitoring systems, entry and transshipment notifications, and shipboard logs and records among others). Annual harvest levels and individual national quotas are established during Annual Conference.	USA developed website containing reports on Convention, information from Annual Conferences, workshop records, documents and data, and information on key contact persons from each Party. Observers from REIOs and IGOs attend meetings. Current observer rules do not address attendance by NGOs. NGOs have generally not asked to attend Annual Conferences. Industry representatives and representatives of environmental organizations can attend these meetings as part of a Party delegation. In addition, Parties may, by unanimous agreement, invite representatives of any non-Parties to participate as observers at Annual Conference.

Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/Trade Schemes
	Parties annually submit to STC: catch and effort statistics; information regarding time and area of fishing operations; incidental taking of anadromous species or other marine living resources. Vessels must notify all Parties of intention to enter Donut Hole to fish 48 hours in advance, provide location of any transshipments of fish 24 hours in advance, and report catch data regularly.	Under Convention, observer coverage is 100%. Each vessel fishing in Donut Hole must, upon request, accept an observer from another Party. If observer is not available, flag State must place one of own observers aboard. Observers report findings to flag State and observer State.	VMS is required on all vessels. Location data are to be shared with all Parties on real-time basis.	Parties are responsible for enforcing provisions of Convention. Each Party agrees in advance to boarding and inspection of vessels flying its flag by authorized officials from any other Party. Flag State Party is notified promptly of alleged violations and shall take appropriate measures in accordance with national laws and regulations, including prompt investigation. Flag State Party must order fishing vessel to cease violations and leave Convention Area immediately. Enforcement regime allows for significant level of coverage by observers from non-flag States.	None at this time.

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	Decisions on matters of substance are made by consensus. A matter is deemed to be of substance if any Party considers it to be of substance. Other decisions are made by a simple majority of votes of all Parties casting affirmative or negative votes. Each party has 1 vote. Parties establish annual allowable harvest level for pollock in Convention Area; determine individual national pollock quota for each party; adopt appropriate conservation and management measures; establish Plan of Work for STC; discuss cooperative enforcement measures; and receive enforcement reports from each Party. There is no opting out procedure. Coastal States have agreed to moratorium on Aleutian Basin Pollock fishing in EEZs as long as there is no fishing of stock in Donut Hole. This was agreed upon in non-legally binding Record of Discussions adopted in conjunction with Convention. Annual discussions on fishing within EEZs are part of Record of Discussion.	When Parties fail to reach consensus on annual harvest level, it is determined by fall-back formula in Part 1 of Annex to Convention, prohibiting directed fishing if biomass is equal to or less than 1.67 million metric tons.	USA State Department has invited North Pacific and Bering Sea Fisheries Advisory Body to advise the USA delegation.	Created publicly accessible website. Donut Hole Convention established moratorium on commercial pollock fishing in the Central Bering Sea. Moratorium maintained and respected since 1993. Convention established precautionary threshold (decision rule) for re-opening pollock fishery. Convention provides for 100% observer coverage and non-flag State boarding and inspection procedures to be agreed in advance. Enforcement in Convention Area facilitated by cooperation between USA Coast Guard and Russian Federal Security Service. Convention established cost-effective institutional arrangement. In June 2005, USA hosted Central Bering Sea Pollock Workshop on Allowable Harvest Level and Stock Identification as part of agreed work plan. Korea authorized to conduct trial fishery in July/August 2006 using 4 vessels, as part of efforts to increase data collection in absence of comprehensive survey of area.	Rebuilding pollock stocks. Maintaining moratorium until stock reaches agreed threshold. Expanding Convention objectives to implement broader ecosystem approach. Ensuring enforcement and fisheries management regimes are effective in event that fishery re-opens. Enhancing transparency by allowing NGO participation. Resolving USA-Russian Federation maritime boundary dispute.

General Fisheries Commission for the Mediterranean (GFCM)

RFMO Structure	GFCM	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	General Fisheries Commission for the Mediterranean **Headquarters:** Rome, Italy. **Convention:** Agreement for the Establishment of a General Fisheries Council for the Mediterranean. (FAO Article XIV Fisheries Body). **Signed:** September 24, 1949 Rome, Italy. **In Force:** February 20, 1952. 1997 Agreement changed name to "Commission"; and adopted amendment establishing autonomous budget which came into force April 29, 2004. **www.fao.org/fi/body/rfb/GFCM/gfcm_home.htm**	The Mediterranean, the Black Sea and connecting waters. This area coincides with FAO Statistical Area 37. Overlapping mandate with ICCAT for Highly Migratory Fish Stocks.	To promote development, conservation and management of living marine resources; to formulate and recommend conservation measures; and to encourage training cooperative projects (includes aquaculture).	Commission, Scientific Advisory Committee (SAC) 4 sub-Committees, Committee on Aquaculture (CAQ) (4 Networks). In 2006, agreed to Terms of Reference (TOR) for Compliance Committee. Ad-Hoc Technical Panels and Working Groups (WG). Secretariat (Secretary) (FAO provided Secretariat until 2005).	SAC was established in 1997, meets annually and provides advice to Commission. Advice on aquaculture is provided by CAQ. SAC sub-Committees (SC) include: SC Stock Assessment (SCSA). Stock assessments are done for sub-Areas. Assessment of large pelagic species is done in cooperation with ICCAT. SC Statistics and Information (SCSI); SC Economics and Social Sciences (SCESS); SC Marine Environment and Ecosystem (SCMEE). Several WGs including: WG-Operational Units; GFCM/ICCAT WGSustainable Tuna Farming; and GFCM/ICCAT WG-Large Pelagics. Permanent Working Group on Stock Assessment Methodology (PWSAM) - established in 2005, first meeting in March 2006. Frequently organizes scientific workshops, e.g., Measurement of Fishing Effort (2005); and Gear Selectivity (2005). CAQ has 4 networks: Social, Economic and Legal Aspects of Aquaculture (SELAM), Technology and Aquaculture (TECAM), Environment and Aquaculture (EAM) and Information Systems for the Promotion of Aquaculture (SIPAM).

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	Transboundary stocks: Hake, red mullet, striped mullet, blue and red shrimp, Norway lobster, anchovy, sardine, dolphinfish. **Highly Migratory Fish Stocks:** Eastern Atlantic bluefin tuna, albacore, bonito, swordfish. **Gear:** bottom trawl, dredge, purse seine, surface longline, gillnet, artisanal gear.	**Highly Migratory Fish Stocks:** **Above BMSY**: Eastern Atlantic bluefin **Declining**: Swordfish **Demersal**: Many stocks fully exploited	Sharks, juveniles of target species. Mitigation measures include gear restrictions for certain vessels, bycatch limits, minimum size for landed fish, and measures to limit fishing mortality. 2004 ICCAT Recommendation prohibits catch of Atlantic bluefin < 10kg in Mediterranean. GFCM adheres to ICCAT Recommendation on shark bycatch including 2005 amendment requiring CPs to report on implementation of mitigation measures. Protocol for mitigating shark bycatch included in Mediterranean Large Elasmobranchs Monitoring (MEDLEM) program.	SCMEE mandate includes EA and reported on Ecosystem Effects of Fishing in 2004. Created Ad-Hoc WG on EA in 2005. 2005 Workshop on Ecosystem Approach to Fisheries (EAF) included essential & sensitive habitats, ecosystem indicators, gear selectivity, bycatch of vulnerable & protected species. In 2005, Commission prohibited towed dredges and trawl fisheries below 1000m protecting deep water habitat. In 2006, applied these gear prohibitions to specific areas to protect cold seeps, corals and seamounts, and, established closed season (1 Jan.–14 Aug.) for dolphinfish fisheries on FADs (SAC to assess effect of measure in 2010). In 2006, GFCM endorsed 2005 Technical Guidelines from GFCM/ICCAT WG Sustainable Tuna Farming for capture, transport, transfer, farming, harvesting and marketing of bluefin, and invited CAQ to expand Guidelines as required through EAM.	PA implementation is addressed in Article III.2 of the 1997 amended Agreement. SAC is in the process of defining reference points for specific stocks.

Participation	Members/Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	Albania, Algeria, Bulgaria, Croatia, **Cyprus**, *Egypt*, *EC*, **France**, **Greece**, Israel, **Italy**, *Japan*, Lebanon, Libya, **Malta**, **Monaco**, *Morocco*, Romania, Serbia and Montenegro, Slovenia, **Spain**, *Syria*, Tunisia, Turkey (24 members). **Bold:** UNFA *Italics*: FAO Compliance Agreement	None at this time. 2006 Recommendation establishes Cooperating Non-Contracting Party (Cooperating NCP) status and encourages States fishing in Area to become CPs or Cooperating NCPs. Status Cooperating NCPs reviewed annually.	Membership is open to Member nations and Associate Members of the FAO. Other States that are Members of the UN, or its specialized agencies may be admitted as members by a 2/3 majority. 1997 GFCM Agreement provides for membership of REIOs and States or Associate Members whose vessels engage in fishing in Region for stocks covered by Agreement.	Members must contribute to budget and have voting privileges. Each Member is represented on the Commission by one delegate and advisors. Members are obligated to report and submit required data.	Publicly accessible website. Plenary meetings of Commission are held in public unless otherwise decided by the Commission. Russian Federation has permanent observer status. GFCM grants observer status for these plenary and Committee (SAC and CAQ) meetings to IGOs and NGOs based on the GFCM Rules of Procedure (now being amended). Medisamak, the Mediterranean fishing association (an industry organization) and, as of 2006 CIPS (Confédération internationale de la pêche sportive) are official observers. All other Commission meetings *are open to scientific experts*, IGOs, and NGOs.

Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/Trade Schemes
	Data collected through GFCM/FAO regional projects and by CPs. Data include catch, effort, scientific trawl and acoustic survey data. Collaboration with Mediterranean International Trawl Survey Program (MEDITS) organized by EC. The Mediterranean Fishery Statistics Information System (MEDFISIS) serves Commission's statistical arm, reformatting and aggregating submitted data. Data on aquaculture activities submitted through SIPAM. In 2006, agreed to data confidentiality policy and procedures with regards to electronic data transmission.	No regional observer program. In 2005, adopted general guidelines for the establishment of a control scheme which envisages an observer program and VMS, to be further examined and discussed at next GFCM session scheduled in January 2006.	No VMS at this time however VMS is currently under consideration.	No at sea boarding or inspection. In 2005, adopted binding Recommendation to establish register for vessels >15m authorized to fish in Area. In 2006, agreed to establish IUU vessel list. CPs and Cooperating NCPs to annually transmit to Secretariat list of NCP vessels presumed to be carrying out IUU fishing in Area. Secretariat to compile and publish IUU list. As of 2006, GFCM cooperating with ICCAT on transshipment measures for large-scale longline fishing vessels. Enforcement essentially rests with CPs.	None in place at this time. As of 2006, Japan will prohibit imports of farmed bluefin tuna not in compliance with requirement under GFCM/ICCAT Recommendations.

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	Management decisions are typically taken by consensus. Other decisions, when taken by vote, require a majority. A majority of the Membership constitutes quorum. Each Member has 1 vote. Whenever vote occurs, there is a declaration of competency made by the EC and its member states. Commission may adopt and amend its own rules of procedure, by a 2/3 majority, provided consistent with General Rules of FAO. Only Recommendations adopted pursuant to Article V are binding. Resolutions are nonbinding. An objection procedure exists whereby Members submit objection within 120 days of notification of a Recommendation, after which period decisions become binding.	Article XVII provides a mechanism for the establishment of a committee to which disputes may be referred. The committee is composed of 1 member of each of the parties to the dispute and an independent chairman chosen by members of the committee. If the dispute is not settled at the committee level, it shall be referred to the International Court of Justice (ICJ). To date, Article XVII establishing a committee has never been invoked.	Collaborates with ICCAT e.g., GFCM/ICCAT WG on Large Pelagics has met annually since 1990; GFCM/ICCAT WG on Sustainable Tuna Farming (to define guidelines for bluefin tuna farming). Supported by sub-regional projects e.g., Responsible Fisheries in the Adriatic Sea (ADRIAMED), Advice, Technical Support and Establishment of Cooperation Networks to Facilitate Coordination to Support Fisheries Management in the Western and Central Mediterranean (COPEMED), and, Assessment and Monitoring of the Fishery Resources and the Ecosystems in the Straits of Sicily (MedSudMed). Incorporates fisheries data into FIRMS as FAO partner. Cooperates with Medisamak, exchanging information and attending meetings. Partnerships with IGOs e.g., UNEP, IUCN, CBEAM, ACCOBAMS, and tuna RFMOs.	Amended Agreement in 1997 to establish autonomous budget (in force 2004). In 2005, agreed to establish independent Commission headquarters in Rome, Italy. In 2005, established Ad Hoc WG on EA. In 2005, closed area below 1000 m to protect deep water fish, (habitat and spawning grounds). In 2006, prohibited towed dredges and bottom trawls from sensitive areas and established closed season for fishing on FADs. Strengthened participation in SCSA and WGs in 2004. Increased participation of less developed countries in projects. Assessed PA, EA and IUU for Commission work plan. Established vessel register. In 2006, created IUU vessel list. In 2006, re-established EAM under CAQ. In 2006, adopted recommendation establishing Cooperating NCP status. Cooperating with ICCAT to control transshipment. Conducted independent evaluation in 2003 of SAC and CAQ.	Avoiding overfishing. Achieving sustainable fisheries. Strengthening capacity of Secretariat to fulfill RFMO functions and responsibilities. Controlling IUU Fishing. Ensuring timely and reliable data on catch and effort is submitted to Secretariat. Ensuring continued active participation in all SCs and WGs. Effective implementation and enforcement of decisions and measures by Member States. Increasing Membership of States with "real interest", (including all Black Sea States). Addressing management of small-scale fisheries. Regulating tuna farming.

Inter-American Tropical Tuna Commission (IATTC)

RFMO Structure	IATTC	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	Inter-American Tropical Tuna Commission (IATTC) **Headquarters:** La Jolla, California, USA **Convention:** Convention for the Establishment of an Inter-American Tropical Tuna Commission (IATTC Convention). 1999 Protocol to Permit REIO Membership (not in force). **Signed:** May 31, 1949, Washington DC, USA **In Force:** March 3, 1950. Associated with 1997 Agreement on the International Dolphin Conservation Program (AIDCP) in force in 1999. *Amended by 2003 Convention for the Strengthening of the Inter-American Tropical Tuna Convention (Antigua Convention) (closed for signature December 31, 2004 not yet in force).* **www.iattc.org**	Generally considered to be the Eastern Pacific Ocean (EPO). *Precisely defined under Antigua Convention to be: along the 50° N parallel from the coast of North America to the intersection with 150° W, and from that line to the intersection with 50° S and from that line to its intersection with the coast of South America (extends the notional IATTC boundaries by 10° both N and S).*	To maintain populations of yellowfin and skipjack tuna as well as other species taken by tuna vessels in EPO and to cooperate in gathering and interpreting data to facilitate management of stocks at levels permitting MSY year after year. *Antigua Convention: to ensure long-term conservation and sustainable use of tunas and tuna-like species, and other species taken by tuna-fishing vessels in the EPO, in accordance with relevant rules of international law.* AIDCP key objectives are to: progressively reduce and eliminate incidental dolphin mortalities in tuna purse-seine fishery in Area; seek ecologically sound means of capturing large yellowfin tunas not in association with dolphins; ensure long-term sustainability in Area; avoid, reduce and minimize bycatch and discards of juvenile tunas and non-target species.	IATTC: Commission (Work Plan includes Tuna-Billfish Program and Tuna-Dolphin Program); National Sections; Permanent Working Group on Fleet Capacity; Permanent Working Group on Compliance; Joint Working Group on Fishing by Non-Parties; Working Group on By-Catch (WG-Bycatch); Working Group on Stock Assessments (WG-SA); WG-Limit Reference Points (WG-LRP); permanent independent Scientific Staff; and, Secretariat (Director). AIDCP: International Review Panel (IRP); Scientific Advisory Board; Tuna Tracking WG; WG to Promote and Publicize the AIDCP Dolphin-Safe Certification Program; WG on Financing and Vessel Assessments; Joint WG on Fishing by Non-Parties. IATTC provides Secretariat for AIDCP Working Group-Limit Reference Points (WG-LRP).	Large Permanent independent Scientific Staff with offices in major fishing ports. WG- Bycatch; WG-Limit Reference Points (WG-LRP); and WG-SA. Director and Scientific Staff provide advice to Commission after review by WG-SA. IATTC collaborates on stock assessment with: SPC (for bigeye and billfish); and ISC; with EC and Chile for swordfish pursuant to Southeast Pacific Swordfish Arrangement (SPSA). All Members have equal access to scientific information. *Antigua Convention includes a Scientific Advisory Committee to review research programs, stock assessments, research and recommendations of Scientific Staff (Annex 4).*

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	Highly Migratory Fish Stocks: Yellowfin, bigeye, albacore, skipjack, bonito, Pacific bluefin tuna, sailfish, billfishes including marlin and swordfish. **Gear:** Purse-seine, longline, pole-and-line, trolling and others.	**Above BMSY:** Skipjack (F< FMSY, stock abundant); Southern albacore (catches < MSY); striped marlin; swordfish **At AMSY**: Yellowfin **Below BMSY:** Bigeye (2003 biomass at lowest levels since 1975) **Fully Exploited:** Northern albacore (F> FMSY) **Status Uncertain:** Blue marlin (appears to be fully exploited); black marlin or sailfish (no recent assessment). (Yellowfin and bigeye purse-seine fisheries are managed by closed seasons; bigeye longline fishery managed by quota limits).	Dolphins, turtles, seabirds, sharks, other non-target species, and juvenile target species. 2004 Resolution on bycatch requires CPCs to reduce incidental mortality of juvenile tuna, release unharmed non-target species and reduce turtle bycatch. Under 2004 Resolution, adopted 3 year program to mitigate turtle bycatch. In 1999, AIDCP replaced voluntary La Jolla Agreement to provide measures to mitigate the effect of purseseining on dolphin stocks. 2005 Resolution on seabird bycatch, requires CPCs to report bycatch data and inform Commission on status of NPOAs. 2005 Resolution on sharks requires CPCs to collect data for stock assessments, reduce shark finning and limit fins to > 5% of total landed catch.	EA is envisaged in Article II. Advice to Commission now includes information on ecosystem effects of fishing. For yellowfin and bigeye, Commission adopted Resolutions to reduce bycatch of target and non-target species in purse seine and longline fisheries; improve longline technology; develop ecosystem models for tropical EPO; and investigate how habitat affects juvenile tuna. *EA is envisaged in Article VII of Antigua Convention.*	Since 1980s, has included precaution in absence of information; and, adaptive management approach when assessing impacts of expanded fisheries on stocks. Interprets MSY as limit reference point. If catches for target species reach MSY limit, management measures are imposed. WG-LRP was established to suggest PA limits and targets. Fleet capacity was limited to precautionary level by Resolution (2002). *PA is included in Article IV of Antigua Convention consistent with UNFA.*

Participation	Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	IATTC: **Costa Rica**, Ecuador, El Salvador, **France**, Guatemala, *Japan*, *Korea*, *Mexico*, Nicaragua, Panama, *Peru*, **Spain**, ***USA***, Vanuatu, Venezuela. AIDCP: **Costa Rica**, Ecuador, El Salvador, ***EC***, Guatemala, Honduras, *Mexico*, Nicaragua, Panama, *Peru*, ***USA***, Vanuatu, Venezuela. Bolivia and Columbia are applying the AIDCP provisionally. **Bold: ratified** UNFA *Italics: ratified FAO* Compliance Agreement	IATTC Cooperating Non-Contracting Parties (Cooperating NCPs) or Cooperating Fishing Entities: ***Canada***, China, Chinese Taipei, the ***EC***, and Honduras. Contracting Parties, Cooperating Non Contracting Parties, Fishing Entities and REIOs are collectively referred to as CPCs.	Membership is open to States (not REIOs) whose nationals participate in fisheries in Area upon CPs' unanimous consent. Members pay dues, participate in data collection and research. States may become Cooperating NCPs to Convention as well as to AIDCP. *Antigua Convention is open to all coastal States and fishing nations, including Chinese Taipei and REIOs and does not require unanimous approval for new membership.*	Each CP may establish Advisory Committee (AC) for its National Section; AC may attend non-Executive sessions and address sessions at Chair's discretion. Each CP is member of all WGs. Cooperating NCPs Fishing Entities participate in meetings as observers; must report fisheries statistics & research programs in Area; comply with all conservation measures & resolutions; and, inform IATTC of compliance measures (VMS, Observer Programs, Inspections). Status is reviewed annually. Purseseine capacity Resolution prohibits new vessels without corresponding reduction of existing fleet; and, new entrants to the purse-seine fishery must make arrangement with existing participants to enter.	Publicly accessible website. Meeting minutes, reports and scientific information available online. NCPs, IGOs, NGOs, and owners of tuna vessels fishing in EPO under jurisdiction of any CP can participate as observers with 120 days prior notice and upon unanimous decision of Parties. Observers may present orally at Commission meetings subject to Chair's discretion, provided no Member objects. Chair must give prior approval for circulation of documents by observers. 2005 Resolution on Financing, invites NGOs to make contribution to budget. *Under Antigua Convention, NGOs must give 50 days notice to participate in meetings and may attend provided less than 1/3 of Members object.*

Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/Trade Schemes
	Fishery dependent data (from vessels, observers, managers and processing facilities) is provided to IATTC scientific staff. 2003 Resolution on data provisions outlines specific data requirements to be submitted to the Commission. 2004 Resolution on catch reporting requires Director to report annual catches of Convention species by flag and gear type to Parties by June 30th of following year. Purse seine vessels required to report weekly to Commission. Tagging program in place to collect data on tuna populations.	Since 1994, 100% observer coverage on purse seine vessels (> 363 Mt) with at-sea reporting by observers and weekly data submission to Secretariat. No observers on longline and small purse-seine vessels. 70% of observers are employed by IATTC, the remainder by national Observer Programs. Observer effectiveness monitored through comparison of national and IATTC Programs to identify possible discrepancies. AIDCP Parties may maintain own national Observer Programs (*e.g.* Colombia, Ecuador, EU, Mexico, and Venezuela), provided they collect and report information in same standard as IATTC observers. IATTC runs Observer Program on cost- recovery basis for AIDCP.	As of January 1, 2005 where possible, CPCs must establish VMS. Each CPC provided progress reports to Director by May 31, 2005. Based on CPC reports, at June 2005 Meeting, Commission discussed, but did not agree on measures for enhanced use of VMS for compliance and data collection, e.g. a more comprehensive and timely data reporting system could be established using VMS (potential pilot program under consideration with Vanuatu).	IATTC established: Register of tuna fishing vessels active in Area (1999); Register for large purse seine vessels authorized to fish in Area, including capacity limits and vessel replacement rules (2002); "positive" list of longline vessels > 24 m authorized to fish in Area (2003); and List of IUU vessels. In 2005, adopted measures prohibiting interaction with IUU listed vessels. There is also a sighting and reporting system for vessels operating in Area (2004). Director notifies flag States of non-compliant vessels. Flag States then order vessel to withdraw from Area. There is no at-sea inspection scheme for non-flag States. On board observers report possible infractions, which are investigated by the flag States and reviewed by Compliance Committee. (IRP reviews AIDCP infractions.)	In 2003, introduced bigeye tuna Statistical Documentation Program (SDP). All bigeye imported into CPs must have statistical document, which must be validated by flag State. Documents are not required for purse seiners and baitboats delivering bigeye directly to canneries. Trade Measure Resolution adopted in 2005 requires CPCs importing / receiving landings to submit data to IATTC. CPCs and non-parties identified annually for non-compliance / failure to cooperate with IATTC measures. Commission can adopt trade restrictive measures where other efforts ineffective in obtaining compliance. IATTC maintains list of those subject to trade restrictive measures.

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	Convention provides for unanimous voting procedure. In practice, decisions, resolutions, recommendations and publications are approved by consensus. There is no objection or opting out procedure. All Resolutions are binding (recommendations are non-binding). All management measures apply inside EEZ and on high seas i.e. throughout the range of the Agreement area. AIDCP: All decisions are made by consensus. *Antigua Convention adopts consensus based decision making, contains no opting out clause and includes provisions to contact / obtain consent from CPs not in attendance at Annual Meetings.*	There is no formal dispute settlement mechanism. *Article XXV of Antigua Convention outlines dispute settlement. Member may consult with another Member to resolve a dispute* *related to the interpretation or application of the provisions of the Convention; disputes unable to be resolved by Members may be referred by mutual consent to a non-binding ad hoc expert panel.*	Since 2000 meets yearly with tuna RFMOs to discuss common concerns. Cooperates with other tuna RFMOs on: vessel register; big eye tuna review (2004); and ad hoc consultations on fleet capacity and effort reduction (N albacore) with WCPFC. Consultation with CCAMLR on seabird bycatch (2005). Secretariat chaired RFB meeting for 2 years and is actively involved in FIRMS to provide comprehensive global reporting system. Collaborates on stock assessments and scientific research with other organizations and countries (e.g. SPC, ISC, SPSA, PICES and CPPS), as well as oceanic information and training (CPPS). Secretariat monitors international initiatives and attends meetings of other RFMOs as appropriate. *Article XXIV of Antigua Convention obligates Commission to cooperate where necessary with other fishery organizations / arrangements in order to achieve Convention objectives. Such* *arrangements are being discussed with WCPFC.*	Modernized 1949 Convention adopting Antigua Convention in 2003 (if ratified, would address most UNFA provisions). Ratified and successfully implemented AIDCP. Improved transparency. Included ecosystem effects of fishery in science mandate and developed biological reference points (BRPs). Considered MSY a catch limit, rather than target. Established time-area closures and 2005 catch limits for bigeye. Implemented capacity reduction Resolution for purse seine fleet (capacity frozen at 2002 levels). In 2004, established 3 year program to reduce sea turtle bycatch and mitigate impact of tuna fishing. In 2005 established measures to mitigate seabird bycatch and reduce shark finning. In 2005, introduced trade measures and further improved compliance and enforcement framework including vessel sighting and reporting and prohibiting all interactions with IUU listed vessels, e.g. IPOA IUU. Maintains vessel register for large purseseine, large longline vessels and IUU vessel list. Improved NCP flag-State enforcement of unauthorized fishing in Area. Established 2003 bigeye SDP. Expanded data collection analysis through Observer Program, FIRMS and tagging programs. Implemented at-sea observer reporting on large purse-seine vessels. Improved data provision data by CPs. Inter-RMFO cooperation.	Obtaining necessary ratifications to bring Antigua Convention into force. IUU fishing for bigeye and other species. Avoiding overfishing and rebuilding bigeye stocks. Implementing PA (e.g. Scientific Staff recommended stricter bigeye fishery controls than adopted by Commission) and operationalizing EA. Mitigating seabird bycatch in longline fishery (particularly with extended Southern boundary under Antigua Convention). Implementing observer program on longline & small purse seine vessels. Standardizing national Observer Programs. Reducing capacity for purse seine & longline fleets commensurate with resource. Ensuring compliance with vessel replacement rules under Regional Vessel Register. Coordinating IUU lists, Statistical documents and VMS data with other RFMOs. Monitoring flag State action on violations. Budgetary constraints and payment difficulties for some States. Implementing 2005 Resolution on financing and funding formula. Several NCPs fishing in EPO derive benefit, but do not contribute to budget, and are therefore requested to make voluntary contributions. Achieving NCP participation. Geopolitical sensitivities.

International Commission for the Conservation of Atlantic Tunas (ICCAT)

RFMO Structure	ICCAT	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	International Commission for the Conservation of Atlantic Tunas (ICCAT) **Headquarters:** Madrid, Spain. **Convention:** International Convention for the Conservation of Atlantic Tunas (ICCAT Convention). Amended by the 1984 Paris Protocol (in force 1997) and the 1992 Madrid Protocol (in force 2005). **Signed:** May 14, 1966 Rio de Janeiro, Brazil. **In Force**: March 21, 1969. **www.iccat.int**	The Atlantic Ocean, including adjacent seas. There is no precise definition for area. The longitude of 20° E is used for scientific and compliance purposes as the border with the Indian Ocean.	To maintain populations of tuna and tuna-like fishes found in the Atlantic Ocean at levels which permit the maximum sustainable catch for food and other purposes.	Commission, Council (now inactive), Species Panels (4), Standing Committee on Research and Statistics (SCRS), Standing Committee on Finance and Administration (STACFAD), Conservation and Management Measures Compliance Committee, Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG), and various ad hoc Working Groups (WGs) (Integrated Monitoring and Control Measures, to Develop Integrated and Coordinated Atlantic Bluefin Tuna Management Strategies). Secretariat (Executive Secretary).	Small permanent scientific staff. SCRS consists of scientists from Contracting Parties & Cooperating non-Contracting Parties, Entity and Fishing Entity (CPCs) mandated to advise on conservation and management measures; address specific ICCAT requests; meet annually; produce annual report on stock status and research topics serving as scientific basis for ICCAT decisions; coordinate national research activities; and develop plans for cooperative research programs. SCRS has sub-Committees on Statistics, and, Ecosystems (in 2006 Environment, and Bycatch rolled into Ecosystems), Species Groups (sharks) and WGs. (e.g. Stock Assessment Methods, Joint GFCM-ICCAT on Large Pelagic Fishes in the Mediterranean, on SCRS Organization) and ad hoc WG on SCRS Organization. Relies on CPCs for fishery dependent data.

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	About 30 key highly migratory fish stocks including: yellowfin, bigeye, albacore (North and South Atlantic, Mediterranean stocks), skipjack tuna, bonito, Atlantic bluefin tuna (East and West Atlantic stocks), swordfish (North and South Atlantic, Mediterranean), blue marlin and white marlin, shortfin mako, blue shark, porbeagle. **Gear:** Purse seine (36%), longline (30%), and bait boats major gears. The use of airplanes or helicopters supporting bluefin fishing operations in Mediterranean is prohibited. Since 1999, seasonal moratoria on FADs in Gulf of Guinea. Use of driftnets for large pelagic fisheries in Mediterranean prohibited.	**Above FMSY** (overfishing): North Atlantic (NA) albacore, West Atlantic (WA) bluefin, blue marlin, white marlin. **Near FMSY**: Bigeye, NA swordfish, yellowfin. **Below FMSY**: South Atlantic (SA) albacore. **Above BMSY**: SA albacore, NA and SA blue shark. **Near BMSY**: Bigeye, NA swordfish, yellowfin. **Below BMSY** (overfished): NA albacore, WA bluefin, blue marlin, white marlin. **Under Recovery Plan**: WA bluefin tuna (by 2018), NA swordfish (by 2009), blue marlin and white marlin (by 2006). **Uncertain**: Skipjack, East Atlantic bluefin, sailfish, SA swordfish, Mediterranean swordfish, Mediterranean albacore (never assessed), NA shortfin mako, small tunas (never assessed).	Seabirds, turtles, sharks, juveniles of target species. Bycatch sub-Committee met yearly and in 2006 rolled into Ecosystems sub-Committee. 2005 Tropical Species Workshop evaluated alternative to minimum size to reduce juvenile tuna bycatch. Mimimum size and time/area closure Recommendations for several species (yellowfin, bluefin, and swordfish). ICCAT encourages submission of bycatch and interaction statistics as well as development of NPOAs for sharks and seabirds. In 2005 mandatory reporting requirement for shark catch was adopted. 2005 resolution encourages CPCs to conduct research on circle hook use for sea turtle mortality reduction.	2005 Recommendation on Bluefin tuna farming in cooperation with GFCM, requires tracking farmed tuna, identification and record of tuna farming operations and submission of data to Commission. 2005 Resolution on Sargassum, requires data collection on sargassum given importance to juveniles and feeding grounds for highly migratory species. In 2006 SCRS will establish Ecosystem Sub-Committee, which includes EAF in terms of reference.	In 1997, SCRS created Ad Hoc Working Group on PA which last met in conjunction with 2001 SCRS Plenary. In 2004, draft Recommendation on PA was introduced not adopted. The ICCAT Convention implies that MSY is a target, not a limit.

Participation	Members/ Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	Algeria, Angola, ***Barbados***, ***Belize***, **Brazil**, ***Canada***, Cape Verde, China, Côte d'Ivoire, Croatia, Equatorial Guinea, ***EC***, **France** (St. Pierre and Miquelon), Gabon, *Ghana*, Guatemala, Guinea Conakry, Honduras, **Iceland**, *Japan*, *Republic of Korea*, Libya, *Mexico*, *Morocco*, ***Namibia***, Nicaragua, ***Norway***, Panama, Philippines, **Russian Federation**, Sao Tomé and Principe, **Senegal**, **South Africa**, *Syria*, Trinidad and Tobago, Tunisia, Turkey, **United Kingdom** (Overseas Territories), ***USA***, **Uruguay**, Vanuatu, Venezuela (42 members from 5 continents) **Bold**: UNFA *Italics*: FAO Compliance Agreement	Created special status known as Cooperating Non-Contracting Party, Entity or Fishing Entity i.e., Non-Contracting Cooperating Party (NCC): Guyana, **Netherlands Antilles**, and Chinese Taipei.	Membership in ICCAT is open to any State which is a member of the UN, specialized UN agency and through 1984 Paris Protocol (in force 1997) includes REIOs (i.e. EC). In 1994 established Cooperating Non-Contracting Party Status, revised in 1997 to be NCC (to include Chinese Taipei). Annually, ICCAT contacts all NCPs fishing species under ICCAT competence in Area to urge them to become a new member or NCC. Since 1995, 23 new members have joined. Contracting Parties, Fishing Entities and Cooperating Non-Contracting Parties are collectively referred to as CPCs.	CPs vote and contribute to budget. The revised contribution formula in force as of March 2005 reflects economic development status of CPs and will apply to 2006 budget. Flag States to maintain vessel records, control those authorized to fish in Area and ensure compliance with ICCAT measures. CPCs are entitled to allocations under 2001 ICCAT Allocation of Fishing Possibilities using historical catch as main criterion. Some members are also seeking access to tuna stocks within their EEZs based on adjacency. ICCAT controls access and fishing capacity by TACs; quotas; and, vessel effort limitations.	Publicly accessible website. Meeting minutes and background papers are available on line. IGOs and NGOs can attend meetings (with 50 days prior notice) unless 1/3 of members object in writing 30 days prior to meeting. NGOs may make oral statements by invitation and distribute documents through Secretariat. Atlantic coastal State NCPs in Area may attend meetings as observers. There is a participation fee for all observers.

Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/ Trade Schemes
	Scientific data (primarily fishery-dependent) are collected by CPCs. SCRS relies on CPCs to submit current and complete data by July 31 prior to Annual Meeting. Data submitted to the SCRS must be separated into 2 groups: Task I (annual catch by species, gear, region and flag); and, Task II (monthly catch and fishing effort statistics for each species by small area). SCRS advice is based on tiese and tagging data. Tagging data are used for growth rate, movement and abundance estimates. 1999 Resolution calls for provision of recreational fishery data. Tuna farming data required as of 2006. Standardized National Reports, and therefore ICCAT Reporting Tables (used by the Compliance Committee) are to be submitted 1 month prior to annual meeting. Data in ICCAT Reporting Table (for monitoring) may differ from Task I data (scientific). Compliance Committee decisions are based on ICCAT Reporting Tables. Partial, late (or no) data are often submitted (usually without penalty), compromising stock assessments and scientific advice. 2005 Recommendations requires CPCs to provide explanations for reporting deficiencies and plans for corrective actions; PWG to identify data gaps affecting stock assessments.	Recommendation 04-01 introduced limited regional observer program requiring that there be observers on board at least 5% of longline vessels over 24m fishing for bigeye. 2003 Ad Hoc Data Workshop concluded comprehensive at-sea observer data is essential. Observer Program (and associated data) coverage since 1996 has ranged from nil to 100% depending on CPC. In 2005, Regional Observer Program established for large scale tuna longline fishing vessels (LSTLVs) for transshipment. All CPC vessels authorized to receive transshipments must have ICCAT observer on board during all transshipments in Convention Area. Observers appointed and deployed on carrier vessels by Secretariat. Standards and training have been developed. Observer Program paid by CPCs for LSTLVs engaged in transshipment. No observer assigned to vessels where fees are unpaid, potentially compromising compliance scheme.	2003 Recommendation calling for CPCs to implement VMS no later than November 1, 2005 for commercial vessels >24m. VMS data, when available, to be transmitted to flag State and then to ICCAT.	Convention obliges CPCs to establish high seas international enforcement system, currently, no at-sea boarding or inspection. PWG monitors activities of NCPs and NCCs. Compliance Committee considers noncompliance by CPs. In cases of quota overruns, subject to Commission approved "payback" plans, CPs may transfer some quota to other CPs. In 2005, adopted Recommendation for monitoring at sea and in port transshipment by LSTLVs, including regional observer program. 1997 Port Inspection Scheme provides for inspections of flag and non-flag State vessels during off-loading and in-port transshipment. Not all CPCs implement Scheme. In 1999, established "negative" list of vessels believed to be IUU. Established in 2002 "positive" list of authorized fishing vessels building on 1998 and 2000 Recommendations. Vessels not recorded are deemed not authorized to fish, transship or land tuna or tuna-like species. CPCs are to enforce compliance through domestic measures prohibiting landing or transshipment from unauthorized vessels. In cases of violation, report sent to flag State for follow-up action. Flag States failing to comply with ICCAT measures may be subject to trade restrictions and/or having vessel removed from positive list. At 2005 meeting, Chinese Taipei subject to significant quota cuts for bigeye and required to reduce capacity to 15 vessels (>24m) in order to control bigeye fishery in ICCAT area.	ICCAT was first RFMO to introduce Statistical Documentation Program (SDP) in 1994 for Atlantic bluefin, then extended to swordfish and bigeye. ICCAT now implements multi-lateral, transparent trade measures against parties who undermine effectiveness of conservation measures. 2003 resolution Concerning Trade Measures replaced 1994 Bluefin Tuna Action Plan, 1995 Swordfish Action Plan and 1998 IUU Catches resolution to include CPCs and NCPs. In 2005, trade restrictive measures maintained on Bolivia and Georgia, and Chinese Taipei given one year to comply before triggering trade measure resolution (03-15). Several States have been identified under 2003 trade measure resolution.

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	Many decisions are made by consensus. Resolutions are nonbinding. Binding Recommendations are adopted by a simple majority vote with a quorum of 2/3 of CPs, and enter into force 6 months later. Each CP has 1 vote. Voting rights may be suspended if CP is in arrears for 2 years or more (voting rights have never been suspended, though many are in arrears). In 2004, requested CPs in arrears to present payment plan before 2005 annual meeting. There is a detailed objection procedure. CPs are not bound by Recommendations to which they have registered an objection. Resolution to amend objection procedure proposed (not adopted) requiring CPs to provide reasons for objection, and alternative conservation and management measures. Recommendations adopted by ICCAT apply throughout Area (implemented domestically by CPCs for fishing inside and outside their EEZs).	No mechanism exists at this time.	Consistent with Article XI of Convention, ICCAT cooperates with FAO (e.g., partner in FIRMS, endorsed IPOAs & Compliance Agreement, and is a member of CWP); and, coordinates and exchanges data with other organizations (e.g., Joint GFCM-ICCAT Ad Hoc Working Group on Large Pelagic Fishes in the Mediterranean; SBT management with CCSBT; seabird bycatch with CCAMLR, shark data collection and assessment with ICES). Secreatariat works closely and meets annually with other tuna RFMOs; participates in RFB biennial meetings; is part of efforts to establish global vessel register for tuna RFMOs; hosts workshops (e.g. 2004 Bigeye tuna review, and in 2005 Reduced Mortality of Juvenile Tuna); and assists CPCs meet data collection, quality assurance and reporting obligations.	Amended Convention to include REIOs. Created CPC Status to include Chinese Taipei and other NCPs. Increased ICCAT membership of many former NCPs fishing in Area. Adopted in 2001 Criteria for Allocation of Fishing Possibilities (first RFMO) to address new entrants and limit capacity. Pioneered use of SDP and continual refinement of trade measures to address noncompliance of vessels undermining conservation regime. Established List of vessels permitted to fish; and List of IUU fishing vessels. Implemented timearea closures throughout Area. Establishe d rebuilding plans for key species (e.g. NA swordfish, WA bluefin, and marlin). Strengthened CPC data reporting requirements, accountability, and corrective action. Increased transparency at Commission meetings. Reformed budget contribution formula with Madrid Protocol. Established special fund to provide capacity building as needed. In 2006, will establish Regional Observer Program for transshipment, and develop workplan to strengthen and modernize ICCAT in line with international legal instruments.	Avoiding overfishing and preventing further decline of target species. Rebuilding overfished and depleted stocks. Reducing bycatch, addressing gear issues and dealing with overcapacity. Setting PA limits, given data inadequacies, IUU fishing and status of many key stocks. Strengthening data quality and collection. Managing access, allocation and redistribution expectations of large membership. Amending objection procedure. Controlling IUU fishing and transshipments. Implementing Regional Observer Program for transshipments. Lacking at-sea boarding or inspection scheme. Strengthening port State inspection scheme. Increasing MCS by Atlantic coastal States within EEZs. Increasing NCP coastal State participation in ICCAT. Increasing and standardizing observer coverage throughout Area. Standardizing and integrating catch and trade measures with other RMFOs, port States and CPCs. Ensuring payment of budget contributions. Modernizing Convention and RFMO practice.

Indian Ocean Tuna Commission (IOTC)

RFMO Structure	IOTC	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	Indian Ocean Tuna Commission **Headquarters:** Victoria, Seychelles. **Agreement:** Agreement for the Establishment of the Indian Ocean Tuna Commission (IOTC Agreement). (FAO Article XIV body). **Signed:** November 25, 1993 Rome, Italy **In force:** March 27, 1996 **www.iotc.org**	The Indian Ocean. Defined for the purpose of the Agreement as FAO areas 51 and 57, and adjacent seas, north of the Antarctic Convergence. There is an overlap on the western boundary with WCPFC. In 1999, it was agreed that area of competence be extended to 20° E.	To promote cooperation among Members with a view to ensuring, through appropriate management, the conservation and optimum utilization of stocks covered by the Agreement and encouraging sustainable development of fisheries based on such stocks. IOTC has competency for SBT but, by agreement CCSBT manages SBT in IOTC Convention Area.	Commission, Scientific Committee (SC), Compliance Committee, Standing Committee on Administration and Finance, Sub-Commissions (stock-specific, to be convened only if necessary), Working Party on Tropical Tunas (WPTT), Working Party on Tagging (WPT), Working Party on Billfish (WPB), Working Party on Temperate Tunas(WPTMT), Working Party on Neritic Tunas, Working Party on Bycatch (WPB) - met in 2005, Working Party on Methods (WPM), and in 2005 agreed to establish Working Party on Management Options. Secretariat (Executive Secretary).	Scientific Committee (SC) is comprised of representatives of CPs and reviews work of WPs and advises Commission (and sub-Commissions, if established) on research, data collection, stock status and management issues. SC meetings have been held conjointly with Commission meetings. Sub-Commissions will examine management options and recommend to Commission appropriate management measures for particular stocks. WPs are meetings of scientists (in their individual capacity) who conduct stock assessment and proposes management recommendations.

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	Highly Migratory Species: Yellowfin tuna, skipjack, bigeye tuna, albacore tuna, longtail tuna, kawakawa, frigate tuna, bullet tuna, narrow barred Spanish mackerel, Indo-Pacific king mackerel, Indo-Pacific blue marlin, black marlin, striped marlin, Indo-Pacific sailfish, swordfish (also southern bluefin tuna but CCSBT has primary responsibility). **Gear:** Purse seine, bait boat, gillnet, troll line, handline, and trawl.	**Above MSY:** Yellowfin (further increase in effort and catch above 2000 levels should be avoided, uncertainties in stock status); bigeye (possible overfishing occurring). **Stable:** Skipjack; swordfish (current catch level unsustainable) possible overfishing in SW Indian Ocean). **Uncertain:** Albacore (no reliable assessment, catch increases to consider PA if adopted). Assessments not available for other target species.	Sea turtles, sharks, seabirds and juveniles of target species, particularly swordfish. Established Working Party on Bycatch (WPB) in 2002, first in-person meeting of WPB in July 2005. 2005 recommendation for sea turtle data collection and bycatch mitigation guidelines for purse seine & longline vessels. In 2002, IOTC agreed to implement IPOA-Sharks. 2005 Resolution requires CPCs to: collect catch data; fully utilize shark catch; ensure fins be < 5% of total shark weight onboard; release live, to the extent possible sharks caught in non-target fisheries; increase gear selectivity; and identify shark nursery areas. 2005 seabird recommendation calls for CPCs to submit bycatch data; and report on NPOA-Seabirds implementation.	EA is pursued through requesting data on non-target, associated and dependent species (NTADs) (Data is often not available). While IOTC endeavouring to understand impacts on fisheries, organizational and research capacity of some CPs has been further compromised.	In 1999, SC invoked PA in its recommendation to reduce bigeye catches. IOTC has adopted PA recognizing the need to incorporate uncertainty in stock assessments.

Participation	Members/ Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	Australia, China, Comoros, *Eritrea*, ***EC***, **France**, **Guinea**, **India**, **Iran**, **Japan**, **Kenya**, *Republic of Korea*, *Madagascar*, Malaysia, ***Mauritius***, Oman, Pakistan, Philippines, ***Seychelles***, **Sri Lanka**, Sudan, Thailand, **UK** and Vanuatu. France and UK are CPs on behalf of their Indian Ocean territories. (24 members) **Bold**: UNFA *Italics*: FAO Compliance Agreement	Cooperating Non-Contracting Parties (NCPs): Indonesia and **South Africa**, status renewed for both in 2005. 2005 application by **Belize** rejected. One Senegalese vessel on approved vessel registry; IOTC awaiting Cooperating NCP application	Membership is open to Members of FAO that are Indian Ocean coastal States or REIOs, or whose vessels fish in the IOTC Agreement Area. The Commission may (by a 2/3 vote) admit States that are members of the UN or one of its specialized agencies or the IAEA. IOTC encourages Cooperating NCPs (Res 03/02). Contracting Parties and Cooperating Non-Contracting Parties collectively referred to as CPCs.	CPs can vote and must contribute to budget. Sub-Commissions will be open to those CP coastal States lying on migratory path of stocks concerned in Sub- Commission or are States whose vessels participate in fisheries of these stocks. To date, no Sub-Commissions have been constituted, but possible management actions have been discussed in the context of the full Commission.	Publicly accessible website. Meeting minutes are published online. NCPs may attend meetings. IGOs and NGOs, upon request, may be invited to participate as observers. A list of observers must be submitted 30 days prior to meeting. The fishing entity of Taiwan attends as "invited experts"

Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/ Trade Schemes
	CPs are subject to mandatory statistical reporting and confidentiality procedures. Stock assessment is peer reviewed through species working parties. The Secretariat maintains a capability in stock assessment in order to ensure that parties without scientific capabilities have access to relevant information. On going Indian Ocean tuna tagging project (IOTTP). As the fishing entity of Taiwan is not a FAO member, information from fishing vessels from Taiwan is supplied through the Japanese Organization for Promotion of Responsible Fisheries to China and then to the Commission.	IOTC has encouraged members to implement National Observer Programs, covering at least 10% vessels.	In 2002, passed binding Resolution to establish pilot program to implement VMS on 10% CP and NCP vessels > 24 m. Pilot project to run 2-year schemes. Project to be reviewed in 2006. Information is to be sent to land based Fisheries Monitoring Centre (FMC) every 6 hours.	In 2002, established IOTC Vessel Record ("positive" list of authorized vessels >24m). Since 2005, all vessels (including <24m fishing outside EEZs) fishing in Regulatory Area must be on IOTC Record. Unlisted vessels cannot fish for, retain or transship tuna or tuna like-species. In 2002, established IUU Vessel List. Since 1998 vessel registration & information exchange required for NCP vessels fishing in Regulatory Area (since 2005, includes vessels <24m fishing outside EEZs). CPCs require prior authorization for at-sea or in-port transshipment, consistent with reported catch validating Statistical Documents. Measures addressing transshipment challenges and non-compliance (eg. banning transshipment, observers on carrier vessels) to be further discussed at 2006 IOTC Meeting. There are currently no provisions for at-sea boarding and inspection. 2001 Resolution on Scheme of Control and Inspection for NCPs, phased implementation in place. 2002 Port Inspection Scheme binding on CPCs. Resolution in 2005 on in-port inspection requires landings data to be submitted annually to Commission by July 1.	In 2001, implemented Bigeye Statistical Documentation Scheme (SDS) (applies only to frozen bigeye). Statistical documents and prior authorization are required for at-sea or in-port transshipment by CPCs and NCPs. 2003 Resolution Concerning Trade Measures requires monitoring of non-compliance, identifying CPCs and NCPs in violation of IOTC measures and applying trade restrictive measures.

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	Decisions are generally reached through consensus. Each CP has one vote. Commission can adopt binding measures by 2/3 majority. CPs may object in which case the decision is not binding on them. Resolutions are binding and non-binding recommendations can be adopted by majority.	Disputes, if not settled by Commission, will be referred for settlement to a conciliation procedure. If the dispute is not settled, it may be referred to the ICJ unless parties to the dispute agree to another method of settlement.	Cooperates with CCSBT in SBT management and monitoring of Indonesian catches. In 2001, established 5-year project with Overseas Fisheries Cooperation Foundation of Japan to improve data collection in Regulatory Area. Cooperates with various countries in regions in small-scale tuna tagging program funded by EC, Japan and the People's Republic of China. Has MOU with Indian Ocean Commission (IOC) to conduct largescale tropical tuna tagging program with EC funding. In 2004, joined FIRMS to report and share information on status and trends of fishery resources. IOTC to attend 2007 meeting of tuna RFBs.	Established IOTC as an Article XIV FAO body. Improved enforcement through establishment of Compliance Committee to review annual report of compliance by CPCs. Established IOTC Record for "positive" list of vessels and IUU List. Expanded MCS to vessels <24m fishing on high seas. Established Statistical Documentation Scheme (SDS). Ongoing efforts to control transshipment. Efforts to address bycatch, especially non-target species through IPOAs and mitigation measures. Ongoing discussions to enable participation of Taiwan as Fishing Entity. Established WP for Management Options. Meeting to improve effectiveness and efficiency of IOTC to be held May 2006.	Avoiding and reducing overfishing (especially bigeye). Reducing and eliminating IUU fishing. Addressing transshipment. Reducing excess fishing capacity. Implementing bycatch mitigation measures. Developing and implementing EA and PA. Improving and expanding the SDS. Implementing at- sea and in-port NCP inspection schemes. Establishing effective mechanism for participation of fishing entity of Taiwan. Ensuring timely and accurate collection of scientific data from CPCs. Strengthening RFMO effectiveness. Addressing organizational capacity concerns of CPCs, given tsunami devastation. Administrative efficiency. Members in arrears.

Northwest Atlantic Fisheries Organization (NAFO)

RFMO Structure	NAFO	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	Northwest Atlantic Fisheries Organization **Headquarters:** Dartmouth, Nova Scotia, Canada **Convention:** Convention on Future of Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO Convention). **Signed:** October 24, 1978, Ottawa, Canada. **In force:** January 1, 1979. **www.nafo.int**	The Northwest Atlantic Ocean. North of 35°N latitude and west of a line extending north from 35°N latitude and 42°W longitude to 59°N latitude, then west to 44° W longitude, and then north to the coast of Greenland, and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10'N latitude.	To contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area (NCA). The NAFO Regulatory Area (NRA) is high seas component of NCA.	General Council (GC) has 2 Standing Committees: Finance and Administration (STACFAD); and, Non-Contracting Party Fishing Activities (STACFAC). Scientific Council (SC) has 4 Standing Committees: Fisheries Science (STACFIS); Publications (STACPUB); Research Coordination (STACREC); and, Fisheries Environment (STACFEN). Fisheries Commission (FC) has 1 Standing Committee: International Control (STACTIC). Secretariat (Executive Secretary).	SC is comprised of scientists of CPs. The SC has 4 standing committees: fisheries science (STACFIS), publications (STACPUB), research coordination (STACREC) and fisheries environment (STACFEN). SC acts upon annual requests from FC and coastal States for advice on stock assessments. Work of SC forms foundation upon which FC determines management measures for NRA. FC also reviews information and scientific advice from the SC, establishes TACs for different species as well as national quota allocations, and establishes conservation measures.

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	Straddling Stocks: Cod, Greenland halibut, redfish, skates, American plaice, yellowtail flounder, white hake, witch flounder, capelin, squid, shrimp. **Discrete Stocks:** 3M cod, 3M American plaice and 3M redfish, 3M shrimp. **Gear:** Bottom trawling (including otter and shrimp trawls), mid-water trawls, longlines and gillnets.	**Collapsed:** 9 stocks under moratoria: Since 1993 – 3NO capelin, 3L cod. Since 1995 – 3NO cod, 3M cod, 3LNO American plaice, 3M American plaice, 3NO witch flounder, 3L witch flounder. Since 1998 – 3LN redfish. **Status uncertain:** 3LNO thorny skates, 3O redfish, 3NO white hake (current TAC unsustainable), 3LMNO Greenland halibut (15 yr rebuilding plan, 2004 catches exceeded TAC by 27%). **Recovering:** 3LNO Yellowtail (moratorium lifted in 1998, in 2005 Blim set at 30% BMSY) **Other:** 3M shrimp (under effort regulation, 2005 biomass > Blim); 3M redfish, (spawning biomass increasing as of 2005)	All non-target species. Bycatch mitigation measures include gear mesh size; minimum fish size; time area closures; use of sorting grates in shrimp fisheries; and percentage bycatch limits for contents of vessel holds and on a per set (haul) basis (lower bycatch limits for moratoria species). In 2005, adopted measures banning shark finning as well as transshipment and landing of shark fins in NAFO Convention Area.	NAFO included EA in 2005 workplan. Following 2005 meeting, CPs decided to collect data on seamounts in Convention Area. Northwest Atlantic Ecosystem Workshop planned for 2006. NAFO fisheries generally managed on an annual stock-by-stock basis. As of 2005, newly regulated species have multi-year (3 year) TACs. Since 2003, Greenland halibut under (15 year) rebuilding plan – poor progress as 2004 TAC exceeded.	NAFO established PA Working Group in 1997. In 2004, FC adopted PA Framework *in toto* and adopted separate proposal to apply PA Framework initially to 3LNO yellowtail flounder and 3M shrimp. FC requested that additional stocks be considered under PA Framework in the future.

Participation	Members/ Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	Bulgaria, ***Canada***, Cuba, **Denmark** (Faroe Islands and Greenland), ***EU***, **France** (St. Pierre-et-Miquelon), **Iceland**, *Japan*, *Republic of Korea*, ***Norway***, **Russian Federation**, **Ukraine**, ***USA*** (13 Members). **Bold**: UNFA *Italics*: FAO Compliance Agreement	There is no cooperating status for Non-Contracting Parties (NCPs).	Membership in NAFO GC is open to each CP. Membership in FC is only open to CPs who participate in NRA fisheries, or who provide satisfactory evidence that they expect to participate in such fisheries. Membership is reviewed annually by General Council. 60% of annual individual CP contribution to budget based on nominal catches in NCA.	1999 Resolution clarifies stocks are fully allocated and fishing opportunities for new members are likely to be limited to new fisheries (including stocks currently not allocated), shared stocks. NAFO annually sets aside an allocation of regulated species called "Other" in part for States not included in list of CP allocations or for exceptional arrangements. Article XIX provides for CPs to draw the attention of (i.e. contact) NCPs regarding fishing activities of nationals that may adversely effect NAFO conservation and management objectives. NCP vessels engaged in fishing in the NRA are presumed to be IUU and undermining effectiveness of NAFO measures.	Publicly accessible website. NAFO proceedings, scientific documents and reports are available online. Meetings are open to all IGOs upon notification. NGOs and industry have participated as members of CP delegations. SC may invite NGOs and others. To date, one NGO has participated in SC meeting. Procedures were agreed in 2002 facilitating NGO participation as observers at FC plenary meetings with 100 days prior notice. NGOs may make oral statements upon invitation of Chair and distribute materials through Secretariat. Media policy prepared in 2004 to allow coverage of opening session.

Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/Trade Schemes
	Data collection by NAFO via CPs includes: catch and effort data; reports from port inspection, at-sea inspection and observer program; VMS messages and aerial surveillance data. Data from CPs scientific surveys is used by members of SC in developing stock assessments and other scientific advice.	Since 1998, *100%* observer coverage on all CP vessels fishing in NRA is required (for monitoring and compliance purposes). Reports made to flag State and copied to NAFO Secretariat. NAFO has introduced Pilot Project on Observer, Satellite Tracking and Electronic Reporting to test real time electronic reporting system by observers and vessel masters.	Since 2001, CPs fishing in NRA must be equipped with VMS. Vessels transmit every 2 hours automatic positional and other reports to national Fisheries Monitoring Centres (FMC), which, in turn, forward to NAFO Secretariat. NAFO and NEAFC are developing North Atlantic Format (NAF) for harmonized, comprehensive electronic messaging transmitted through VMS. As of 2005, NAF website available.	NAFO Scheme of Joint International Inspection and Surveillance applies to all vessels fishing in NRA. NAFO requires CPs to perform in-port inspections on vessels having fished in NRA. In 1997, adopted Scheme to Promote Compliance by NCPs; presumption that NCP vessels fishing in NRA are undermining conservation regime and are IUU. In 2005, NAFO created IUU list for NCP vessels. All NCP vessels in NRA can be inspected with prior consent of vessel flag State ("courtesy boarding"). Information on NCP vessels is immediately communicated to NAFO Secretariat, all CPs and to flag State. Secretariat sends information on IUU activity to other RFMOs. There is a Canadian air surveillance program dedicated to NAFO surveillance. CPs shall deny port access and transshipment for non-compliance pending vessel inspection. Vessel must demonstrate that species were caught outside NRA or consistent with NAFO rules.	As of 2005, all processed fish products from NRA must be labelled as caught in NRA with species and product category identified. Other than labelling, there is no formal catch or trade documentation scheme.

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	Decisions are reached by consensus whenever possible; otherwise by majority vote (last vote 2002). Each CP has one vote. CPs in arrears for a period of more than 2 years cannot vote. Objection procedure enables CPs to formally object up to 60 days following decision.	NAFO does not have a dispute settlement mechanism.	NEAFC, NAFO, CCAMLR and other RFBs cooperating to expand NAF (common data communications standard and other fisheries data - electronic logbooks). Has MOU with ICES for joint stock assessments and other scientific matters. Cooperates with NEAFC on oceanic redfish management. Secretariat attends RFB Network, since inception in 1999 and meets regularly with Executive Secretaries of North Atlantic RFMOs. NAFO is a partner in FIRMS to report and share information on status and trends of fishery resources (posted on FIGIS). NAFO is longstanding member of CWP. Cooperating with other RFMOs and FAO on IUU NCP vessel listing.	Overhaul of Conservation and Enforcement Measures. Improved website for public access to information. Increased institutional transparency with 2002 provisions for NGO participation. Development of EA included in 2005 work plan. Established IUU NCP vessel list in 2005. Beginning in 2006, voluntary submission of data collected from seamounts. In 2004, adopted PA Framework with initial application for 3LNO yellowtail flounder and 3M shrimp; also adopted multi-year TAC's for newly regulated species, first RFMO to introduce management measures for elasmobranchs (skates regulated in 2005). Since 2003, Greenland halibut rebuilding plan; TAC exceeded in 2004; rebuilding prospects poor. In 2004, prepared first official compliance report. Implemented VMS and 100% observer coverage for NRA. At 2005 Annual meeting adopted EU/Canada proposal for NAFO Reform and established Working Group on Reform (first meeting in April 2006).	Avoiding overfishing. Respecting pre-agreed TACs. Rebuilding and maintaining stocks, particularly given poor recovery of 9 moratoria stocks and continued overfishing of Greenland halibut. Reducing and mitigating bycatch (urgent concern for incidental catch of moratoria species). Developing EA. Broadening scope to include marine biodiversity and habitat conservation concerns. Amending objection provisions to ensure conservation regime respected. Improving CP compliance. Improving timely and effective follow-up by flag States to violations of NAFO measures. Introducing effective deterrents for non-compliance. Funding the increasing management, research and enforcement costs. CPs in arrears. Establishing global standards for observers and inspectors. Increasing collaboration with other RFBs, IGOs and NGOs to strengthen marine conservation and integrated management in Atlantic Ocean. Modernizing Convention to be consistent with UNFA. Reducing and managing fishing capacity.

North East Atlantic Fisheries Commission (NEAFC)

RFMO Structure	NEAFC	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	North East Atlantic Fisheries Commission **Headquarters:** London, England **Convention:** The Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries (NEAFC Convention). **Signed:** November 18, 1980 London, England. **In force:** March 17, 1982. **www.neafc.org**	The Northeast Atlantic and Arctic Oceans. East of a line south of Cape Farewell - the southern tip of Greenland, at 42° W, north of a line to the west of Cape Hatteras - the southern tip of Spain at 36° N and west of a line touching the western tip of Novya Semlya at 51° E. Three high seas areas constitute NEAFC Regulatory Area: The Irminger Sea – Reykjanes – Azores Area; the Norwegian Sea "Banana Hole"; and the Barents Sea "Loophole". NEAFC does not regulate demersal fisheries in the "Loophole".	To promote conservation and optimum utilization of fishery resources of Convention area within a framework appropriate to regime of extended coastal State jurisdiction over fisheries, and to encourage international cooperation and consultation with respect to these resources. *In 2005, CPs agreed in principle to update Convention. Proposed objectives are to promote the long term conservation and optimum utilization of fishery resources of NE Atlantic area, safeguard marine ecosystems in which resources occur, and encourage international cooperation and consultation with respect to these resources.*	Commission, 3 Permanent Committees: Permanent Committee on Control and Enforcement (PECCOE); Finance and Administration Committee; and new 2005 Permanent Committee on Management and Science. 4 working groups: Working Group on the Future of NEAFC, Working Group on Deep-Sea Species, Working Group on Blue Whiting (not met since 2000), Advisory Group on Data Communications; Secretariat (Executive Secretary).	NEAFC receives scientific advice from ICES (Article 14 of Convention). In 1999, NEAFC formalized cooperative arrangement under MOU for all stocks under NEAFC. New MOU (2004-2006) is in place. ICES is compensated for these services.

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	Straddling Stocks: Redfish (pelagic), blue whiting, mackerel, Atlanto-Scandian (Norwegian spring-spawning) herring, Rockall haddock. As of November 2004, several deep sea species are also regulated by NEAFC, including blue ling, black scabbardfish and orange roughy. **Gear:** Purse seine, pelagic trawl, demersal trawl, bottom longline and bottom gill nets.	**Status uncertain:** Redfish, Rockall haddock. **Full reproductive capacity, may be harvested unsustainably:** Blue whiting. **At risk of reduced reproductive capacity:** Mackerel. **Full reproductive capacity:** Atlanto-Scandian (Norwegian spring-spawning) herring. **Generally unknown:** Deep-sea species, but according to ICES, many are beyond safe biological limits.	In 2005, adopted Recommendation, effective February 2006, to temporarily prohibit use of gillnets, entangling nets and trammel nets in depths greater than 200m in Regulatory Area to reduce discards and ghost fishing.	Working Group on the Future of NEAFC is examining how to strengthen NEAFC's role in addressing overall ocean management. EA now permanent agenda item at Annual Meetings. Closed area adjacent to Rockall Bank to trawl fishing in 2001; implemented temporary freeze in deep sea fisheries in Regulatory Area in 2003; closed 5 vulnerable habitats to demersal fishing gear for 2005-2007; agreed to 30% reduction in deep sea fisheries effort for 2005 onwards following ICES advice. In 2005 CPs agreed in principle to update NEAFC Convention to be consistent with UNFA for EA.	In 1996, requested that ICES include PA in advice provided to Commission. Annual ICES advice includes management recommendations on PA reference points. Long-term PA management plans exist for mackerel and Atlanto-Scandian (Norwegian spring-spawning) herring and blue whiting. In 2004, decided to close 5 high seas areas for 2005-2007 period. In 2005, established ban on targeting basking shark and ban on gill nets below 200m.

Participation	Members/ Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	Denmark (Faroe Islands and Greenland), Estonia, *EC*, **Iceland**, *Norway*, Poland, **Russian Federation** (7 members). (Latvia and Lithuania are part of the EC as of May 1, 2004. As of May 2006, Estonia and Poland will be included in the EC.) **Bold**: UNFA *Italics*: FAO Compliance Agreement	***Canada***, *Japan* and **New Zealand** ***Belize*** applied in 2005 for Non-Contracting Party (NCP) status. Application under consideration.	NEAFC is not considered an open organization (new entrant applications have been denied). States may accede to the Convention (except an EC member State) if application is approved by 3/4 of Contracting Parties (CPs). In May 2003, Working Group on the Future of NEAFC agreed to develop guidelines for new Members and allocations. The Guidelines were adopted in 2003.	In November 2003, NEAFC agreed that stocks regulated by NEAFC are fully allocated and fishing opportunities for new Members are likely to be limited to new fisheries. New Contracting Parties (CPs) will participate on same basis as existing CPs in future allocation of stocks unregulated at time of application. In addition, new CPs that were previously Cooperating Non-Contracting Parties (NCPs) may request part of relevant cooperative quota. Allocations will be considered on case-by-case basis.	Publicly accessible website. In 2001, NEAFC adopted rules to allow NGOs to participate in meetings. Secretary reviews NGO applications and notifies CPs. If one or more CPs object in writing within 30 days, participation by NGO will be put to vote. NGOs who attend Commission meetings may make oral statement upon invitation of Chairman, distribute documents, and engage in other activities approved by Chairman. IGOs and NCPs are also invited to Annual Meeting.

Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/ Trade Schemes
	1999 Scheme of Control and Enforcement requires each CP to report to Secretary monthly catches of regulated species landed or transshipped. Data collection via CPs includes: infringement data, port inspection, at-sea inspection and boarding, and VMS data. Scientific and survey data is collected by ICES. 2005 Recommendation requires CPs to provide information on management measures for deep-sea species in Convention Area, develop sampling programs for deep sea fisheries and submit logbook data via NEAFC to ICES.	NEAFC does not have an Observer Program.	Since January 2000, all vessels fishing outside EEZs require VMS. Secretariat supplies CPs with an inspection presence, with information about ongoing fishing activities (24 hours a day, 365 days a year). Frequency of position reports from fishing vessels has increased from 6 hours to 2 hours. VMS operating successfully. NEAFC and NAFO are leading development of North Atlantic Format (NAF) of a comprehensive table of message types that can be transmitted through VMS.	In 1999 implemented Scheme of Control and Enforcement for CPs, as well as Scheme to Promote NCP Compliance. In case of infringement, CP flag State is notified and vessel to be examined by its inspectors within 72 hrs. Flag State where warranted can require vessel to proceed to port for further inspection. CPs are to ensure legal action taken and penalties imposed to remove economic benefit derived from infringements. Info on NCP vessels in Regulatory Area circulated by Secretariat to CPs and RFMOs. In 2000, established committee (PECCOE) to advise Commission. Adopted 2003 Resolution on actions against IUU NCP vessels, including vessel lists. In 2005 agreed to consider strengthening system of port State control. Naming and shaming of IUU NCP vessels on provisional A-list and permanent B-list is deterring IUU landings in CP ports. Key Flag of Convenience (FOC) has deflagged and delisted vessels.	CPs are to refuse landing of catches deemed taken in contravention of NEAFC management recommendations.

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	Decisions are made by simple majority or, where Convention requires qualified majority, by 2/3 majority of votes of all CPs present and casting affirmative or negative votes. Each CP has 1 vote. A quorum of 2/3 of CPs is required. In even split of votes on any matter subject to simple majority, the proposal is rejected. Recommendations become binding on date determined by Commission. In emergency, votes may be taken by post or other means of communication. Any CP may object to a recommendation (for management measures only) within 50 days of date of notification. Since 2004 (as amended Convention) Parties are required to provide written statement identifying: reason for objection; their intentions; and alternative conservation and management measures. Management of all stocks discussed in plenary meeting. In 2005, due to lack of consensus at meeting on oceanic redfish, management measures agreed in subsequent postal vote. In recent years, no agreement on allocations for Atlanto-Scandian herring and blue whiting. Blue whiting quotas agreed for 2006. Herring allocations still unresolved.	At 2004 Annual Meeting, Commission unanimously adopted amendments to Convention establishing fast track dispute settlement mechanism. Ratification is expected in due course, however, Parties have agreed to immediately make use of this fast track mechanism on a voluntary basis.	NEAFC sets TAC for oceanic redfish for both NAFO and NEAFC. NEAFC Secretariat actively participates in RFB Secretariats Network biannual meetings. NEAFC Secretariat initiated North Atlantic Regional Fisheries Management Organization (NARFMO) and has organized annual meetings since 2001, in an effort to develop NAF, invited NAFO and CCAMLR to meet to discuss common data communication and standards for VMS and electronic log books (with the objective to engage other RFMOs to utilize this format as a common standard globally), established Advisory Group for Data Communication in April 2005 open to all RFBs. Group met again in October 2005. NEAFC performance review process involves members appointed by FAO, UNDOALOS, and an independent scientific institution not involved in NEAFC area.	Reactivated NEAFC following UNFA in 1995. Tasked working groups with modernizing NEAFC. Incorporated PA references. Set TAC and allocations for oceanic redfish and Atlanto-Scandian herring in 1997 and mackerel in 2000. Implemented Scheme of Control and Enforcement and NCP Scheme in 1999. Expanded Scheme in 2003 and introduced NCP IUU lists. Identification of IUU NCP vessels has resulted in decline of IUU landings in CP ports as CPs prohibit landings from IUU fishing. Amended objection procedure in 2004. Established dispute settlement mechanism. Adopted sophisticated VMS system. Discussing new port State scheme, based on FAO model. Agreed to close five areas with vulnerable habitats to demersal fishing gear. Set up arrangement whereby NEAFC sets TAC and allocation for oceanic redfish for NAFO. Created a publicly accessible website. Working to accommodate new entrants. In 2005, CPs agreed to text modernizing Convention to include PA, EA and biodiversity protection and to apply amendments on voluntary basis, pending ratification. In 2005, agreed to conduct independent performance review to ensure NEAFC alignment with UNFA and related instruments. Most CPs are State Parties to UNFA.	Reaching agreements on TACs and management measures. Sustainable development of deep-sea stocks. Clarifying ICES advice on stock status for mackerel and redfish. Considering new entrants. Ongoing modernization of RFMO. Implementation of Convention amendments updating EA, PA, biodiversity provisions and dispute settlement. Need to improve decision making process to ensure coherent, compatible and effective management throughout Convention Area (e.g. blue whiting allocations). Reviewing and possibly revising Convention to incorporate broader ocean management perspectives including ecosystem approach as agreed in principle by CPs at 2005 Annual Meeting.

South East Atlantic Fisheries Organisation (SEAFO)

RFMO Structure	(SEAFO)	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	South East Atlantic Fishery Organisation **Headquarters**: Walvis Bay, Namibia **Convention**: Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean (SEAFO Convention) **Signed**: April 20, 2001 Windhoek, Namibia **In Force**: April 13, 2003 (First meeting of Commission held March 2004 in Swakopmund, Namibia. Second meeting held October 2005 in Windhoek, Namibia.) **www.seafo.org**	The Southeast Atlantic Ocean Beyond national jurisdiction in areas bounded by a line beginning at the outer limit of waters under national jurisdiction at 6°S, then west along 6°S to 10°W, then north along 10°W to the equator, then west to 20°W, then south along 20°W to 50°S, then east along 50°S to 30°E, then north along 30°E to the coast of the African continent. Northern limit of Area under review to reflect inclusion of Cabinda, Angola.	To ensure the long-term conservation and sustainable use of fishery resources on the high seas, other than highly migratory stocks, found in the Southeast Atlantic Ocean beyond the limits of national jurisdiction taking into account other living marine resources and the protection of the marine environment. Includes discrete stocks.	Commission, Scientific Committee (SC), Compliance Committee (establishment to be addressed at 2006 meeting), Secretariat (Executive Secretary)	The Scientific Committee (SC) provides advice to Commission and is comprised of one representative appointed by each Contracting Party (CP). SC may establish any subsidiary body and submit to Commission for approval. Provisional Working Group (PWG) established in 2005 to collect and analyse catch and environmental data.

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The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	Alphonsino, armourhead, deep sea red crab, orange roughy, Patagonian toothfish, sharks (blue and short finned mako), swordfish. Discrete stocks: deep sea red crab **Gear:** Bottom trawl, purse-seine, and traps used in crab fisheries.	Stock status is generally unknown. Uncertainties exist on reported catches and stock assessments have not been undertaken for high seas fisheries. SC in process of gathering existing data, in cooperation with flag States and related organizations.	CPs are to take into account the impact of fishing operations on ecologically related species, including seabirds, cetaceans, seals and sea turtles (Article 3). Deep sea shrimp are caught as bycatch in trawl fishery.	Convention provides for adoption of measures to conserve non-target species belonging to the same ecosystem as associated or dependent species; minimize harmful impacts on living marine resources; and, protect marine biodiversity. First meeting of SC in 2005 addressed ecosystem considerations. SC to make recommendations to Commission on wider ecosystem impacts of fishing including overexploitation, bycatch, dumping, gear effects, habitat destruction, impacts on adjacent EEZ.	No formal adoption of PA to date. PA is included in Commission mandate. In implementing PA, the Commission must consider international best practices regarding its application, including Annex II of UNFA and the FAO Code of Conduct. In 2005, SC recommended no increase beyond current levels of fishing for 2006 for all species.

Participation	Members/ Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	Parties: Angola, *EC*, *Namibia*, and *Norway*. Non-Member signatories: **South Africa**, **United Kingdom** (on behalf of St. Helena and its dependencies of Tristan da Cuhna and Ascension Island), **Iceland**, *Republic of Korea* and **USA**. **Bold**: UNFA *Italics*: FAO Compliance Agreement	None at this time.	Membership is open to all States having an interest in the Convention area as well as to States and REIOs who participated in the SEAFO Conference, or whose vessels fish for stocks covered by the Convention or had done so in the four years prior to adoption of the Convention. CPs are to request Non-Contracting Parties (NCPs) whose vessels fish in the area to cooperate fully by becoming parties to the Convention.	Each CP contributes to the budget. CPs must take measures to ensure that its **nationals and industries** fishing in the Convention Area comply with Convention provisions. NCP vessels are to cooperate fully by agreeing to apply conservation and management measures. NCPs will enjoy benefits from participation in the fishery commensurate with their commitment to compliance.	Publicly accessible website. Meeting minutes are available. NGOs and IGOs may be invited to meetings of the Commission and other Committees as observers. The financial activities of the Organization are subject to an annual audit by independent auditors. Information can also be obtained directly from the Secretariat.

Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/ Trade Schemes
	CPs must collect and exchange scientific, technical and statistical data and forward to SEAFO. Each Party must also provide information concerning fishing activities, including fishing areas and fishing vessels in order to facilitate compilation of reliable catch and effort statistics. SC requested to develop log sheets and data forms for each fishery. In January 2006, sampling forms developed by SC made available to CPs.	Observer Program is based on common standards, including: placing with prior consent observers on a reciprocal basis on vessels flying the flag of another CP; an appropriate level of coverage for different types and sizes of fishing vessels and fishery research vessels; and ensuring the safety of vessels and observers. In the event that a port State suspects a violation by a CP, the port State will notify the flag State and the Commission. In 2005, adopted measure requiring all vessels operating in Area and targeting species not under jurisdiction of other RFMOs, to carry scientific observers as of January 1, 2006. SC is developing format for Observer data; date to be transmitted to SEAFO Secretariat.	Convention requires near-to-real time reporting of vessel movements including by satellite surveillance. In 2005, adopted minimum standards for establishment of VMS. As of April 1, 2006 all vessels authorized to fish in Area shall implement VMS, with data transmitted to flag State Fisheries Monitoring Centre (FMC). FMC required to submit data to SEAFO Secretariat within 24 hours of receipt.	Convention provides broad guidelines on enforcement, specifically for at-sea and in-port inspection, including boarding and inspection of vessels on a reciprocal basis. Commission is in process of establishing specific measures. In 2005, adopted measure on interim port State control, with each CP to maintain effective system. Measure provides guidelines for port State inspections. Information to be shared with other CPs and transmitted to Secretariat.	None at this time.

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	Decisions on all matters of substance are by consensus. Whether a matter is one of substance is treated as a matter of substance. Other decisions may be determined by a simple majority. Conservation and management measures adopted by the Commission become binding on all CPs 60 days after notice is given by the Secretariat. Objection procedure exists: if CP notifies Commission that it is unable to accept a measure, the measure is then not binding on that CP but remains binding on all other CPs.	Article 24 of the Convention urges CPs to resolve disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means. Technical disputes may be referred to an ad hoc expert panel established by the Commission who will resolve the dispute expeditiously without resorting to binding procedures. Where a dispute is not referred for settlement within a reasonable time, or where a dispute is not resolved, the dispute, at the request of one party to the dispute, may be submitted for a binding decision.	Convention provides that Commission will cooperate with FAO, IUCN and other organizations on issues of mutual interest. Letters of introduction sent to NAFO, ICCAT, CCAMLR, NEAFC, CITES and FAO. SEAFO Executive Secretary participated in 2005 biennial RFB meeting. In 2005, SC recommended to Commission that a formal relationship with the Benguela Current Large Marine Ecosystem (BCLME) Project be established. SC cooperating with numerous organizations to gather necessary data for SEAFO Area, related ecosystem and relevant fisheries. Executive Secretary visited NEAFC in 2005 to gather information on data handling and VMS.	First post-UNFA RFMO for straddling stocks. SEAFO Convention in force in 2003; has competence over discrete stocks. Recognizes special requirements for developing States in the region. CPs to ensure effective control over nationals and industries fishing in SEAFO Area. Created website. Established permanent Secretariat with Executive Secretary and staff. Opened permanent office in March 2005. Adopted Headquarters Agreement with Namibia. Cooperating with relevant organizations to collect required information on ecosystem and fisheries. In 2005, agreed to establish scientific observer scheme, satellite-based VMS, and interim port State control measures. In 2006, Angola became a CP. Several signatories completing legislative process to ratify Convention. At 2005 Annual Meeting, informally discussed extent to which CPs are meeting their responsibilities within SEAFO.	Need to ensure full participation (ratification, accession, etc.) by all States and Entities having "real interest" in fishing in SEAFO Area. Many coastal States in SEAFO Area are developing nations that require assistance to fully participate in RFMO. No Cooperating Non-Contracting Party (NCP) status. Other challenges include addressing IUU; obtaining reliable data for stock assessment and fisheries management; determining Northern limit of Convention Area; increasing fisheries monitoring and data collection; and, establishing and adopting complete MCS system.